Municipal Development Plan

• • • • •

Area Structure Plans

• • • • •

Neighbourhood Area Structure Plans

• • • • •

Area Redevelopment Plans

• • • • •

Servicing Concept Design Briefs

• • • • •

Neighbourhood Structure Plans

• • • • •

The Land Use Bylaw

• • • • •

Subdivisions

• • • • •

The Planning and Development HANDBOOK

for the City of Edmonton

• • • • •

Condominiums

• • • • •

Road and Lane Closures

• • • • •

Servicing Agreements

• • • • •

Municipal Improvements

• • • • •

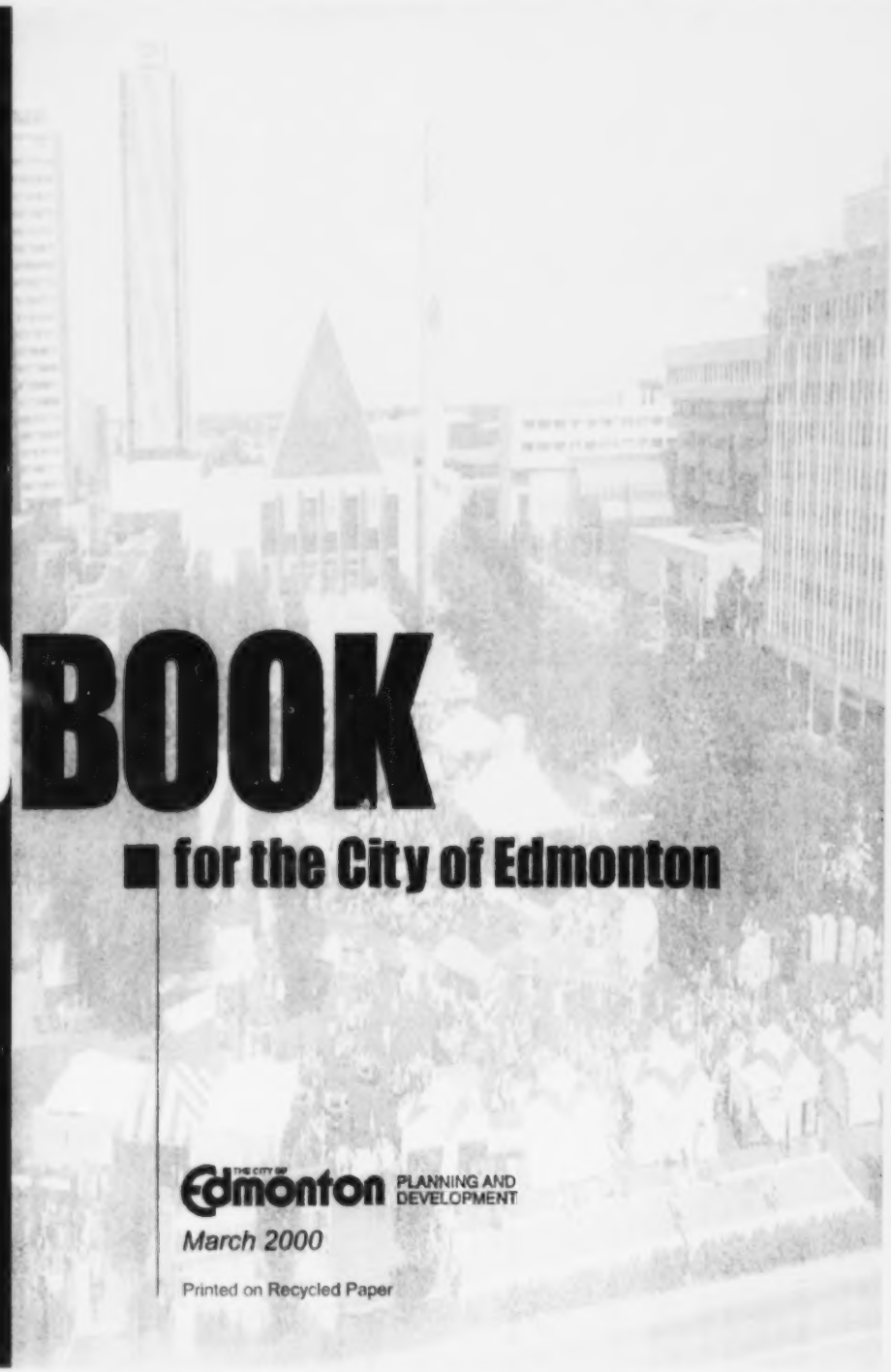
Development and Building Permits

• • • • •

Names Advisory Committee

• • • • •

Heritage Conservation



The City of Edmonton PLANNING AND DEVELOPMENT

March 2000

Printed on Recycled Paper

CONTENTS

1. Introduction 3
1.1 Purpose of the Handbook 3
1.2 The Planning and Development System in Edmonton 3
1.3 A Brief History of Edmonton's Planning and Development System 3

2. The Planning and Development System Today - An Overview 7
2.1 Edmonton City Council 7
2.2 The Public 7
2.3 The Development Industry 9
2.4 The Civic Administration 10
2.5 The Planning and Development Department 10

3. The Basic Tools of the Planning and Development Process 12
3.1 Plan Edmonton, Edmonton's Municipal Development Plan 16
3.2 Area Structure Plans and Neighbourhood Area Structure Plans 18
3.3 Area Redevelopment Plans 20
3.4 Servicing Concept Design Briefs 22
3.5 Neighbourhood Structure Plans 24
3.6 The Land Use Bylaw 26
3.7 Subdivisions 28
3.8 Condominiums 30
3.9 Road and Lane Closures 30
3.10 Servicing Agreements 32
3.11 Municipal Improvements Construction Process 35
3.12 Development and Building Permits 37
3.13 Names Advisory Committee 42
3.14 Heritage Conservation 44

103-06185/

APPENDICES

I Planning and Development Department Contact Persons
II Information Sources/Bibliography

ILLUSTRATIONS AND MAPS

Fig. 1 Approval Responsibilities at Various Levels of the Planning and Development Process
Fig. 2 Relationship Between Plans and Development Measures
Fig. 3 Plans Used in the City of Edmonton's Planning and Development Process
Fig. 4 Development Measures Used in the City of Edmonton's Development Process
Fig. 5 Area Structure Plan Preparation and Approval Process
Fig. 6 Typical Preparation and Review Process for an Area Redevelopment Plan
Fig. 7 The Servicing Concept Design Brief Preparation and Approval Process
Fig. 8 Neighbourhood Structure Plan Preparation and Approval Process
Fig. 9 Land Redistricting – Process for Application and Approval
Fig. 10 Process for Approving and Registering a Plan of Subdivision
Fig. 11 Road/Lane Closure Process – Flow Chart
Fig. 12 Engineering Drawings Approval Process – Flow Chart
Fig. 13 Residential Servicing Agreement Approval Process – Flow Chart
Fig. 14 Land Use Bylaw Development Standards Applied Through the Development Permit Process
Fig. 15 Processing Procedure for a Complex or Major Impact Development Permit Application (Class C or D)
Fig. 16 Procedures for a Development Appeal
Fig. 17 Process for Requesting a Name for a Municipal Facility, Roadway or Park
Fig. 18 Development Permit Process for Historic Resources
Fig. 19 Process to Designate a Municipal Historic Resource (owner agrees)
Fig. 20 Process to Designate a Municipal Historic Resource (owner does not agree)

Map 1 Land Development Concept

1 Introduction

1. INTRODUCTION

1.1 Purpose of the Handbook

This handbook has been prepared to assist City Council, the public, the development industry and the civic administration to understand how the planning and development system works in the City of Edmonton.

1.2 The Planning and Development System in Edmonton

The intent of Edmonton's planning and development system is to ensure the economic, orderly and effective management of the use and development of land on an ongoing basis to achieve an attractive, safe and sustainable urban environment. The intent of this system is generally achieved through a consensus of municipal, community, landowners' and developers' interests.

Land use planning and development control activity is generally undertaken within the framework of the Alberta *Municipal Government Act*. This enabling legislation provides a framework for effective land use planning by defining and describing the types of plans and development measures that the City of Edmonton is required to use. It also establishes the powers of Council, its boards, commissions and the civic administration.

The planning, development and use of land and buildings within Edmonton is a complex process and represents the cumulative requirements of provincial statutes, municipal bylaws, business practice, policies and procedures, as well as citizen and private sector expectations. The planning and development process is based on a partnership or consensus of public and private actions and aspirations.

1.3 A Brief History of Edmonton's Planning and Development System

A land use planning and development system has existed in some form since the incorporation of the City of Edmonton in 1892. Early examples of municipal bylaws regulating the use and development of land include a 1906 bylaw requiring the approval of subdivisions by the City Engineer and a 1912 Municipal Building Code, which provided relatively comprehensive standards for residential development.

In 1907, F. G. Todd, a planning and landscape architectural consultant, prepared a master plan of development for the City, which also contained proposals for preserving the North Saskatchewan River Valley. His scheme was adopted in 1915.

In 1928, the *Town Planning and Preservation of Natural Beauty Act* enabled municipalities to formulate and carry out town planning schemes. The Act also enabled preparation of regulations controlling land use (i.e., buildings and advertising signs) along highways. The *1929 Town Planning Act* consolidated and replaced the 1928 legislation.

Municipalities were authorized by the 1929 *Act* to adopt official town plans and zoning regulations and could prescribe building heights and floor areas, densities, permissible land uses and many of the other aspects of zoning. Municipalities were also empowered to appoint town planning commissions to prepare and administer plans and zoning bylaws.

It was not until 1933 that Edmonton adopted its first comprehensive zoning scheme. The *1933 Zoning Bylaw* designated twelve zoning districts, each of which represented a specific use and building type. The zoning bylaw prescribed uses and development standards for height, front, rear and side yard setbacks and site area.

The Spence-Sales and Bland report, presented in 1949, recommended the repeal of the 1933 Bylaw as it did not address the physical, social and economic development realities of the time. Interim Development Control was suggested as a remedy pending the adoption of a revised zoning bylaw. It was recommended that a new bylaw should reflect the policies of an official plan, and should not be used until such a plan had been adopted.

As a result, *Interim Development Bylaw No. 1* was adopted in 1950. This suspended the 1933 Bylaw in favour of Interim Development Control, pending the adoption of a new zoning bylaw. Certain areas, such as Parkallen which was comprehensively planned as a neighbourhood unit, had their own (localized) zoning bylaws applied.

Interim control procedures required that development decisions be made by Council on the merits of individual applications. However, the 1933 Bylaw continued to exert considerable precedent in development decisions. *Interim Development Bylaw No. 2* was adopted in 1959, as an amendment to *Interim Development Bylaw No. 1*. This provided a mechanism for the adoption of a new zoning bylaw.

In 1961 a new, comprehensive *Zoning Bylaw (No. 2135)* was approved by Council. By 1962, zoning had been extended to all parts of the City with the exception of the downtown, linear commercial developments along traffic arteries and the old town centres of Beverly, Jasper Place and Strathcona. These areas remained under Development Control.

1961 also saw the adoption of Edmonton's first *General Plan*. Over the years, Edmonton's land use control system, principally shaped by changing provincial legislation, became increasingly complex. In 1970, Edmonton's second *General Plan* was adopted by Council, replacing the 1961 plan.

The 1977 *Planning Act* provided Edmonton with opportunities for improved land use planning and control tools. Particularly, it authorized replacement of the dual land use control system with a single system that made a distinction between zoning and development control. The current *Land Use Bylaw (Bylaw No. 5996, as amended)* was adopted by Council in 1980.

The 1977 *Planning Act* also facilitated the adoption of a third *General Municipal Plan (Bylaw No. 6000)* in 1980 which replaced the 1970 plan, and, the preparation of a variety of statutory local area plans. A fourth *General Municipal Plan (Bylaw No. 9076)* was approved in 1991, replacing the 1980 plan.

Also as a result of the 1977 *Planning Act* a regional plan for Edmonton and the surrounding area was prepared. The purpose of the Edmonton Metropolitan Regional Plan was to provide for the balanced, orderly and economic use of land in the Edmonton metropolitan region. As the broadest level of land use planning, policies of the *Regional Plan* established a framework in which Edmonton's own planning and development processes could occur. The *Planning Act* specified that all statutory plans and development measures approved by the City of Edmonton must conform with the *Regional Plan*. Therefore, municipal plans and bylaws were to implement *Regional Plan* policies.

In May 1995, the 1977 *Planning Act* was repealed and replaced with the *Municipal Government Act*. Under the new legislation, the *General Municipal Plan* had to be replaced with a *Municipal Development Plan* before September 1, 1998. As well, there was no longer a requirement for a regional plan. The *Edmonton Metropolitan Regional Plan* was subsequently repealed on March 31, 1995; and a Municipal Development Plan *(Plan Edmonton)* was approved by City Council on August 31, 1998.

2 The Planning and Development System Today – an Overview

2. THE PLANNING AND DEVELOPMENT SYSTEM TODAY – AN OVERVIEW

The following subsections provide an insight into how the public and private sectors and the community interact within the planning and development system, the parameters within which the City of Edmonton must conduct its business and the roles of the major participants in the system.

2.1 Edmonton City Council

Edmonton City Council has been empowered through the *Municipal Government Act* to decide on many local land use planning and development matters. Council's decision making and delegated powers are reflected at all levels and within all components of the planning and development process. The major elements or tools of this process are summarized as follows:

- The Municipal Development Plan;
- Area Structure Plans;
- Neighbourhood Area Structure Plans;
- Neighbourhood Structure Plans;
- Area Redevelopment Plans;
- The Land Use Bylaw and Redistrictings;
- Subdivision Plans;
- Condominiums;
- Road/Lane Closures;
- Servicing and Development Agreements;
- Development and Building Permits;
- Plan Authorization Requirements;
- Environmental Review/Environmental Impact Assessments; and
- Non-statutory Land Use and Community Planning Studies (e.g. Servicing Concept Design Briefs and Corridor Land Use Studies).

The *Municipal Government Act* and City policies define Council's decision making authority over these tools and processes. This decision making authority is governed by established goals and objectives for the City's development.

Council relies heavily on input from the public and advice from the Planning and Development Department in establishing goals and objectives through policies guiding the planning and development process.

Council maintains decision making responsibilities for those aspects of the planning and development system which establish policy. Council has delegated responsibility to the Executive Committee, Subdivision Authority, General Manager of Planning and Development Department, the Subdivision Officer, and the Development Officer for those aspects of the system which implement established policy. Figure 1 illustrates the approval responsibilities for the various activities within the planning and development process.

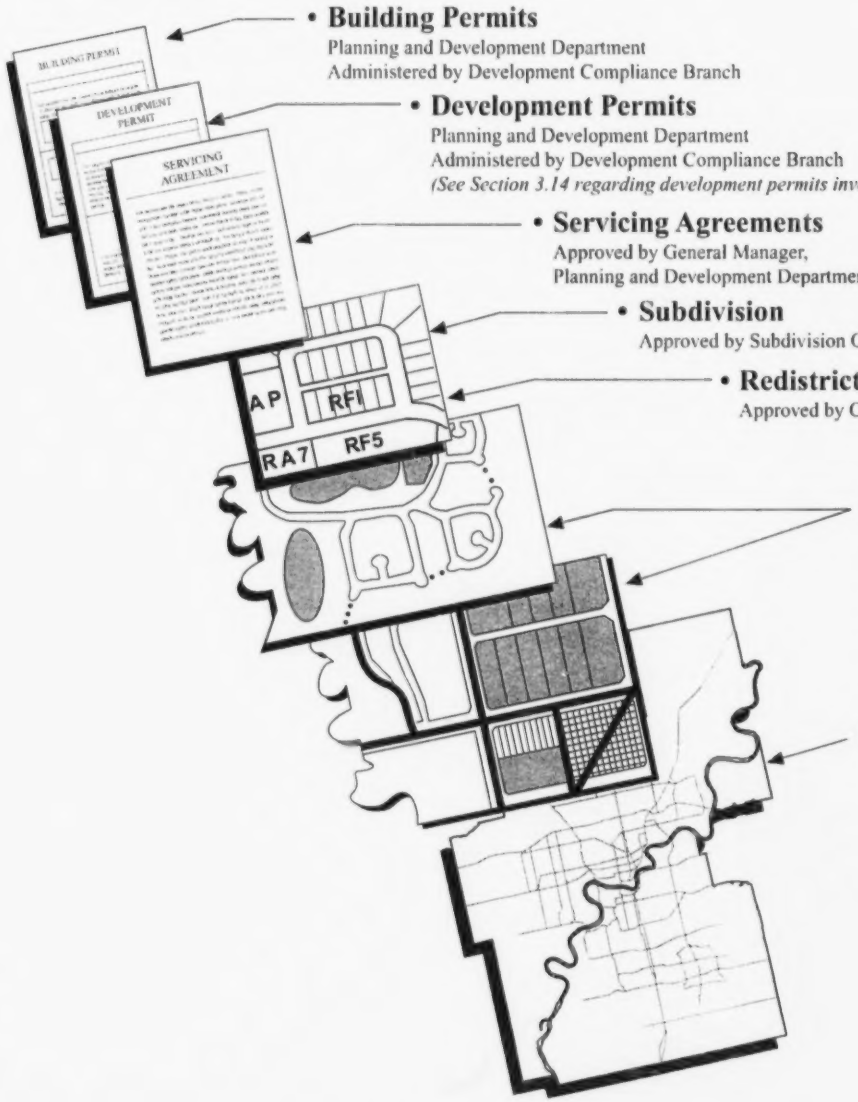
2.2 The Public

The term "public" includes individual citizens as well as various groups such as community leagues, business, professional, sports and cultural organizations. It is recognized that over time members of the public can be directly or indirectly affected by land use planning and development decisions.

The right of the public to participate in the planning and development process is secured through the *Municipal Government Act*. The *Act* requires Council to hold a public hearing prior to second reading on bylaws adopting Plans or amending the Land Use Bylaw and that the public hearing be duly advertised in the newspaper. This has the effect of leaving public involvement to the end of the process rather than allowing the public's interests to be an integral part of the review and development of a plan or redistricting. Therefore, additional opportunities for public participation which exceed the requirements of the *Act* are provided by Council, the administration and the development industry, as outlined below.

On all Plan or Land Use Bylaw related Bylaws, the Planning and Development Department sends out "pre-notification" letters to affected residents and community leagues when an application for a major redevelopment, plan adoption or amendment, or redistricting is made.

FIGURE 1 ***Approval Responsibilities at Various Levels of the Planning and Development Process***



- **Building Permits**
  Planning and Development Department
  Administered by Development Compliance Branch
- **Development Permits**
  Planning and Development Department
  Administered by Development Compliance Branch
  (See Section 3.14 regarding development permits involving Heritage Buildings)
- **Servicing Agreements**
  Approved by General Manager,
  Planning and Development Department or Executive Committee
- **Subdivision**
  Approved by Subdivision Officer or Subdivision Authority
- **Redistricting/Road Closures**
  Approved by City Council
- **Local Plans**
  (all authorized and approved by City Council)
  - Area Structure Plan
  - Neighbourhood Area Structure Plan
  - Neighbourhood Structure Plan
  - Servicing Concept Design Brief
  - Area Redevelopment Plan
  - Corridor/Special Land Use Study
- **Municipal Development Plan**
  Approved by City Council

THE CITY OF Edmonton PLANNING AND DEVELOPMENT

This means that the public knows about a proposal soon after an application is received by the Planning and Development Department. This provides the opportunity to become involved in discussions on the proposal at the outset. Notices, which advertise the public hearing at Council and invite further comments or representations, are also individually mailed.

Public consultation is also undertaken as part of the planning and development process through public meetings, open houses, surveys and design workshops during the preparation and review of statutory and non-statutory plans and studies. Staff are available and receptive to discussing proposals and plans with members of the public by phone or meeting.

The difference between public meetings and hearings should be noted. Public meetings are generally held by the Planning and Development Department to solicit input and encourage dialogue during the review of a proposal and to aid in addressing issues prior to finalizing a proposal for Council's consideration. Public hearings are formal hearings before Council where support or non-support and reasons for that position can be voiced directly to City Council.

It is the goal of the Planning and Development Department to reach consensus on all development proposals. However, this is not always possible.

Therefore, the *Municipal Government Act* provides the public with avenues of appeal in relation to planning and development decisions:

- the City of Edmonton has appeal boards which hear appeals on items concerning subdivision of land and the issuance of development permits. The role of the Board is discussed in Section 3.12.b of this Handbook;
- the Municipal Government Board on intermunicipal issues or issues related to provincial concerns or policies; and
- the courts may also be appealed to on a procedural matter concerning a statutory plan or the Land Use Bylaw.

The role of the general public in the planning and land development process is illustrated in the individual process diagrams contained within this Handbook.

2.3 The Development Industry

The development industry is one of the major vehicles of economic growth in Edmonton. The industry is represented by, or composed of, landowners, developers, builders, financial institutions, solicitors, industry associations and a variety of engineering, planning and environmental consultants. The private development industry represents the major private component of the public/private partnership in the planning and development process.

Through its anticipation of or response to market trends, the development industry contributes to the various levels of the planning and development process by initiating development, subdivision, redistricting and other applications. The industry also prepares and submits new and/or amendments to Area Structure Plans, Neighbourhood Area Structure Plans, Neighbourhood Structure Plans, plans of subdivision and various technical and development feasibility studies.

The development industry shares with City Council, the general public and the civic administration several basic responsibilities, concerns and considerations essential to the development of land. These include:

- the need to foster the orderly, efficient and economic development and redevelopment of land;
- the need to minimize the time for development approval;
- the need to encourage effective public participation in the planning process;
- the need for environmental protection;
- the promotion of high standards of urban design; and
- the need for flexibility and reasonableness to adjust policies and processes required to meet society's changing demands and market expectations.

There are many examples of mutual cooperation with the development industry in the City of Edmonton. Processing timelines have been reviewed and streamlined over the years and have been generally accepted to be at a reasonable level, particularly when compared to those of other major cities in Western Canada.

The City of Edmonton actively participates in the review and amendment of engineering servicing standards and innovations in planning with the Urban Development Institute on an ongoing basis. The development industry, through the Urban Development Institute, has also established a liaison working committee with senior managers from the civic administration. The City is constantly striving to improve opportunities for open dialogue and constructive working relationships.

2.4 The Civic Administration

The civic administration, chiefly through the Planning and Development Department's qualified and experienced staff, is charged with implementing the City's planning, development and servicing policies. It is also the responsibility of the Planning and Development Department, in concert with other civic departments, to alert Council regarding the need to review, improve or introduce new policy items.

The role of the Planning and Development Department in the process is divided functionally between the Planning and Policy Services Branch and Development Compliance Branch.

Other civic departments such as Transportation and Streets, Asset Management and Public Works, Community Services and Corporate Services work with the Planning and Development Department to ensure the effective review of plans and development proposals.

2.5 Planning and Development Department

2.5.a. Planning and Policy Services Branch

The Planning and Policy Services Branch has the primary responsibility for the plans and development measures outlined in Sections 3.1 through 3.9 and 3.13 and 3.14 of this Handbook. It is the responsibility of the Branch staff to accept applications, provide professional planning advice, resolve problems and formulate the Department's recommendations to Council.

The first step in accepting applications is to ensure that all the information needed is provided. The technical merits of the application can be promptly reviewed and the public can then be properly advised about the application. Also, the application can then be sent to various city departments and other agencies for their analysis and input.

The main role of Branch staff is to provide professional planning advice and resolve problems in an effort to make recommendations to the appropriate approval body. Activities include facilitating and mediating discussion between technical departments, the public, the land owner and/or consultant while ensuring that City policies and interests are followed and protected. A big part of this role is to advise, educate and negotiate.

2.5.b. Development Compliance Branch

Staff in this Branch are responsible for the development measures described in Sections 3.10 through 3.12 of this document. Staff prepare and negotiate servicing agreements for the development of raw land; manage construction of municipal improvements in accordance with the agreements; and, accept, review and make decisions on applications for development and building permits. Staff also carry out inspections of new development to ensure conditions of permits and the requirements of the building and plumbing and gas codes are met.

Staff must be adept at answering the public and building industry inquiries, understand the relevant legislation and policies they are responsible for and negotiate changes to applications where such applications do not comply with relevant legislation or policies.

Regarding permitting, the Development Compliance Branch has instituted a "one-stop shopping" environment for their customers. These changes have resulted in a customer oriented approach to business, as well as an efficient tracking system to aid in monitoring projects from initial application through to final inspection.

3 The Basic Tools of the Planning and Development Process

3.0 THE BASIC TOOLS OF THE PLANNING AND DEVELOPMENT PROCESS

The *Municipal Government Act* provides City Council and the civic administration with the basic tools to encourage and facilitate the development and redevelopment of land in a systematic, orderly, economic and environmentally responsible manner.

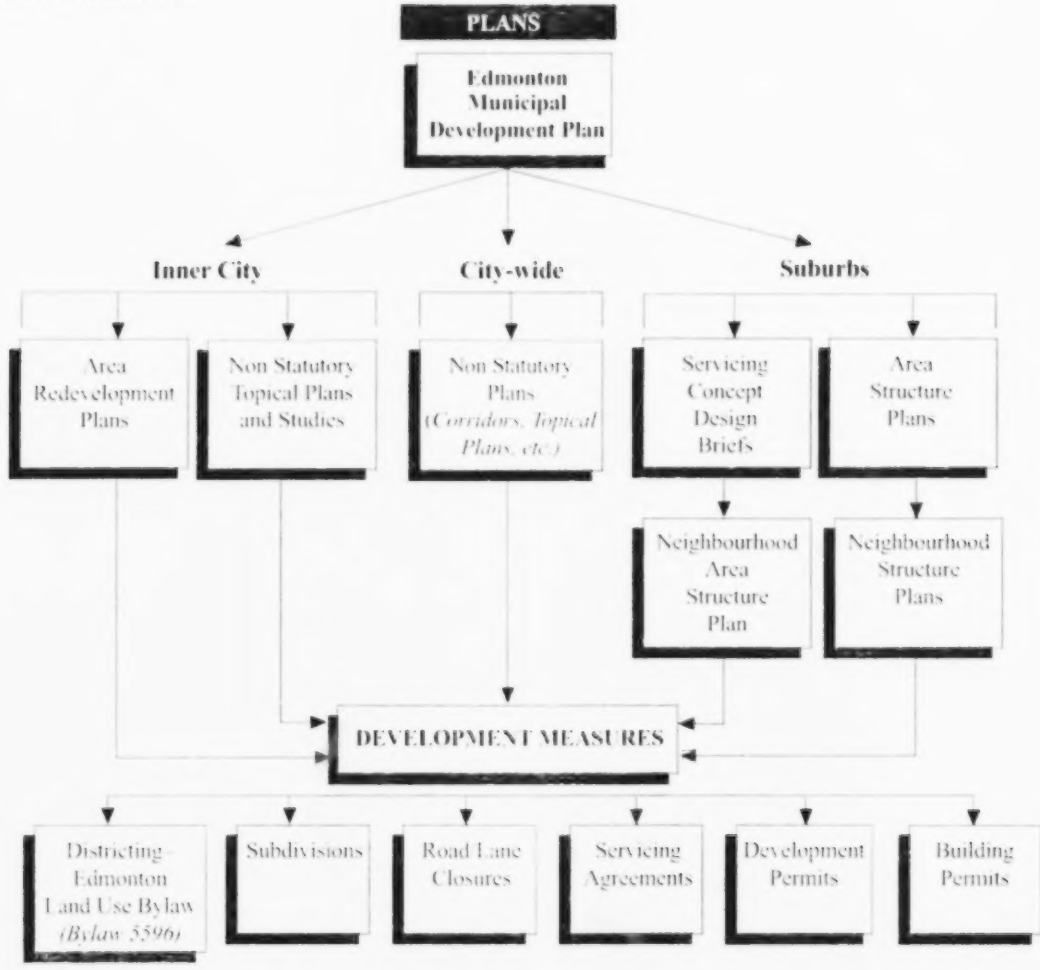
The major components of the planning and development process are included in the planning and development review measures listed in subsection 2.1 of this handbook.

Each planning instrument and development review measure forms a discrete step in the approval process. The functional interrelationship between statutory plans and development review measures is illustrated in Figure 2.

The working relationship between plans and development review measures is illustrated in Figures 3 and 4. The purpose, content and function of each step in the planning and development process is described in the following subsections.

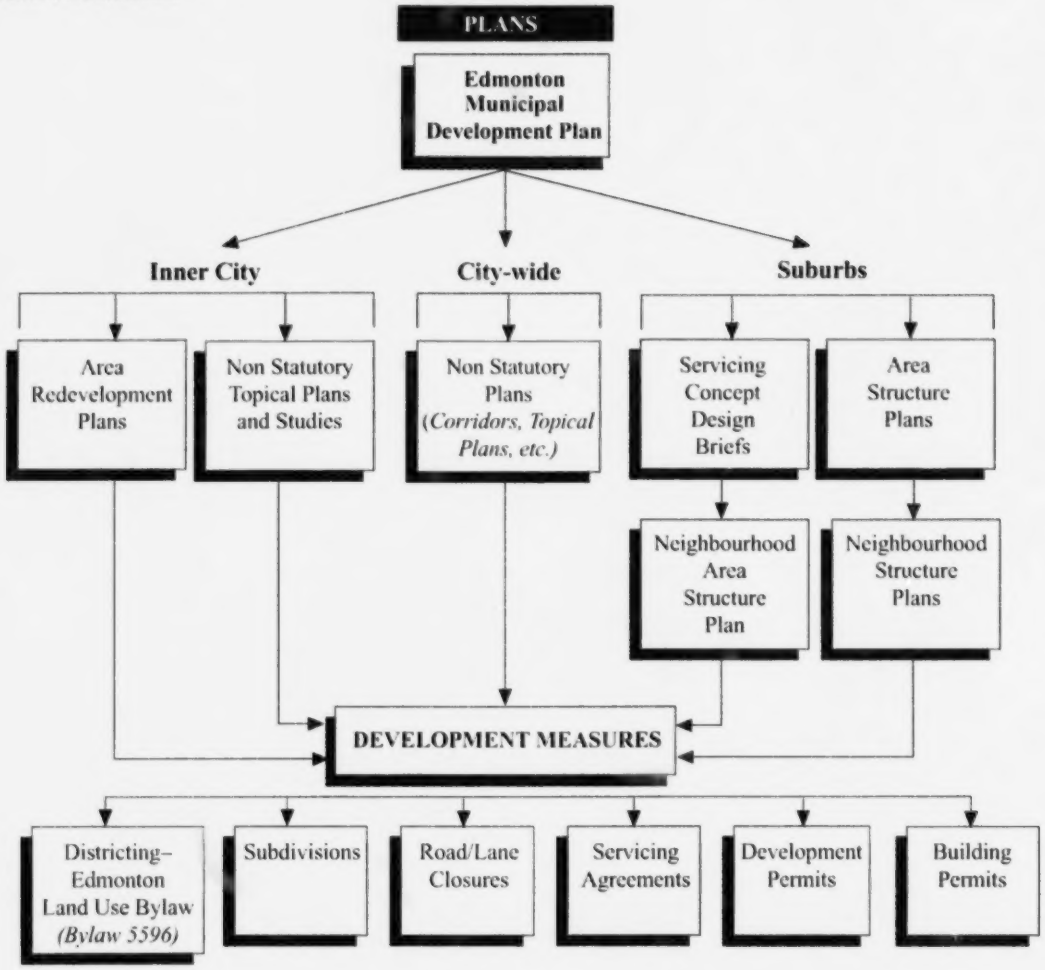
FIGURE

Relationship Between Plans and Development Measures

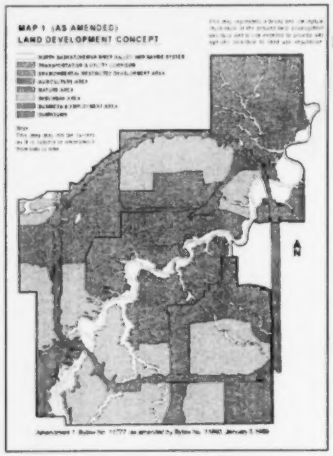


Edmonton PLANNING AND DEVELOPMENT

FIGURE 2 ***Relationship Between Plans and Development Measures***

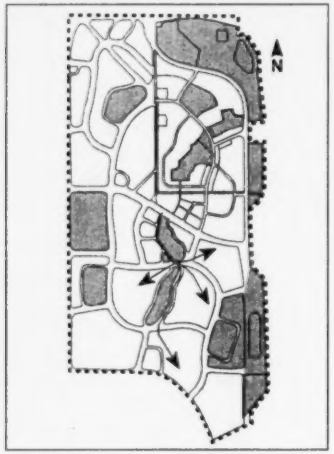


Step 1
Municipal Development Plan



Prepared by: Administration
Approved by: City Council

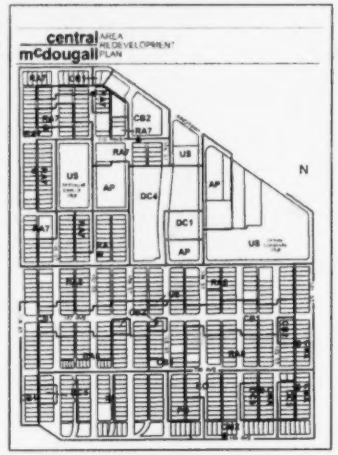
Step 2A
Area Structure Plans and Neighbourhood Area Structure Plans



Generally applied to Suburban Areas
Proposed by: Land Owner
Reviewed and negotiated by: Administration
Approved by: City Council

OR

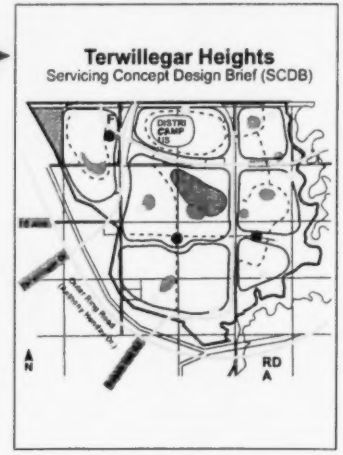
Step 2B
Area Redevelopment Plan



Generally applied to Inner City Areas
Prepared by: Administration/Community
Approved by: City Council

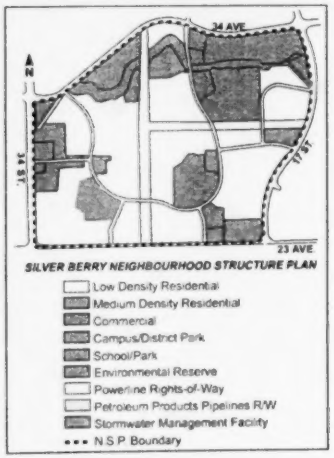
OR

Step 2C
Servicing Concept Design Brief



Generally applied to Suburban Areas
Prepared by: Administration or Consultant
Approved by: City Council

Step 3
Neighbourhood Structure Plan

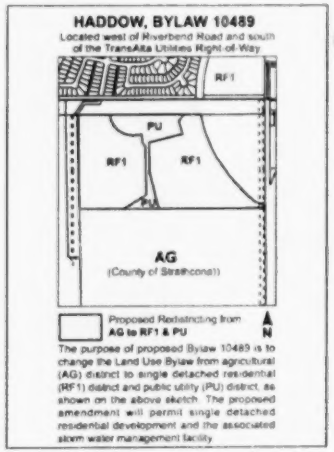


Generally applied to Suburban Areas
Proposed by: Land Owner
Reviewed and negotiated by: Administration
Approved by: City Council

FIGURE 3 ***Plans Used in the City of Edmonton's Planning and Development Process***

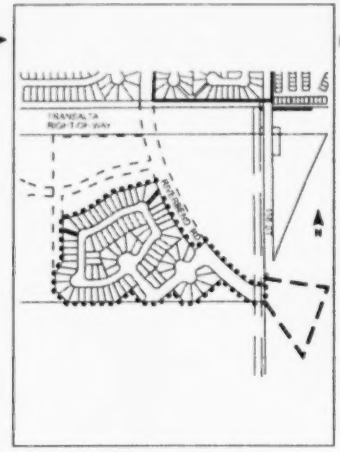
THE CITY OF Edmonton PLANNING AND DEVELOPMENT

Step 4
Land Use Bylaw (Districting/Zoning)


HADDOW, BYLAW 10489
Located west of Riverbend Road and south of the TransAlta Utilities Right-of-Way
RF1
PU
RF1
RF1
AG
(County of Sturgeon)
Proposed Redistricting from AG to RF1 & PU
N
The purpose of proposed Bylaw 10489 is to change the Land Use Bylaw from agricultural (AG) district to single detached residential (RF1) district and public utility (PU) district, as shown on the above sketch. The proposed amendment will permit single detached residential development and the associated storm water management facility.

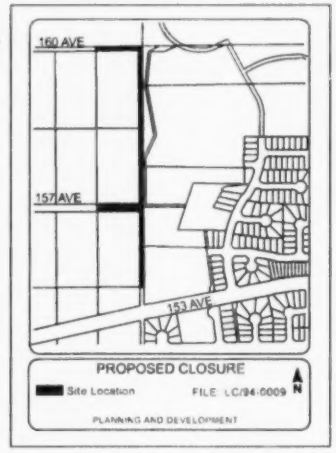
Proposed by: Land Owner/Administration
Reviewed and negotiated by: Administration
Approved by: City Council

Step 5
Subdivision



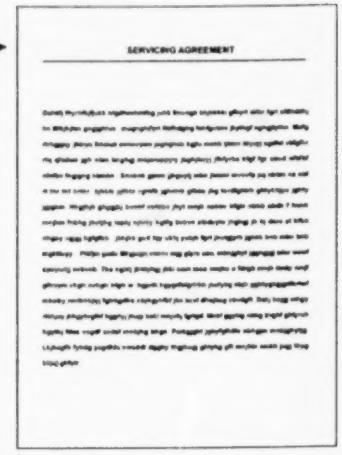
Proposed by: Land Owner
Reviewed and negotiated by: Administration
Approved by: Subdivision Officer or Subdivision Authority

Step 6
Road/Lane Closure



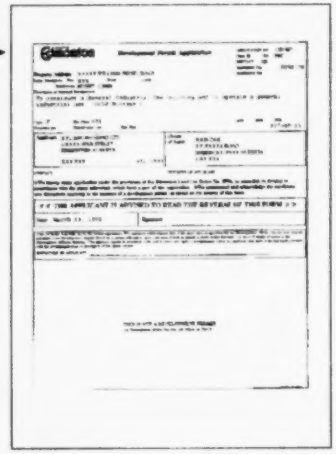
Proposed by: Land Owner/City
Reviewed and negotiated by: Administration
Approved by: City Council

Step 7
Servicing Agreement



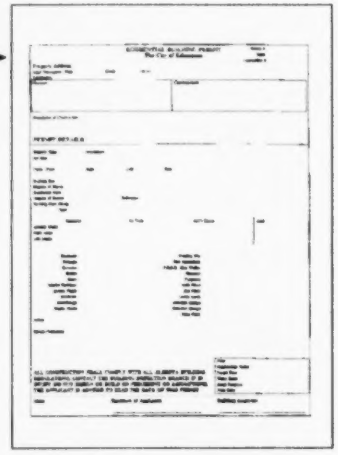
Requested by: Developer
Prepared/reviewed by: Administration
Approved by: General Manager Planning and Development or Executive Committee of Council

Step 8
Development Permit



Requested by: Owner/Builder
Reviewed by: Administration
Approved by: Development Officer

Step 9
Building Permit



Requested by: Builder
Reviewed by: Administration
Approved by: Development Officer

FIGURE 4 ***Development Measures Used in the City of Edmonton's Development Process***

THE CITY OF Edmonton PLANNING AND DEVELOPMENT

3.1 PLAN EDMONTON, EDMONTON'S MUNICIPAL DEVELOPMENT PLAN (MDP) (STEP 1)

Plan Edmonton, Edmonton's Municipal Development Plan (Bylaw No. 11777, as amended) was approved by City Council on August 31, 1998. The MDP is a comprehensive 10 year plan that provides direction for development and implementation of more specific, detailed plans by private land owners/developers and the City. The MDP is also one of the policy basis for the development of the City's corporate and departmental business plans.

Section 632 of the *Municipal Government Act* requires that a municipal development plan address:

- the future land use within the municipality;
- the manner of and the proposals for future development in the municipality;
- co-ordination and interface with future growth and infrastructure with adjacent municipalities;
- provision of transportation systems;
- provision of municipal services and facilities;
- identification of sour gas facilities and policies related to them; and
- policies respecting the provision of municipal school reserves.

The *Municipal Government Act* also permits municipalities to expand their MDPs to address issues beyond municipal land use planning and development, if they wish.

Plan Edmonton sets out priorities and directions for all aspects of the City's development and for the City's relationship with other partners in the region. In addition to a planned growth section, *Plan Edmonton* has sections dealing with economic development, services to people, infrastructure development and maintenance, leadership and regional cooperation, and intermunicipal planning.

The purpose of *Plan Edmonton's* planned growth section is to address strategic, city-wide planning issues through key priorities and implementation strategies. Edmonton's physical growth strategy (see Map 1) is presented in tandem with the following key priorities and *Municipal Government Act* requirements:

- land development philosophy;
- downtown development;
- utilization of existing infrastructure;
- economic activity centres within the City;
- reinvestment in mature neighbourhoods;
- preservation and enhancement of the natural environment and open spaces;
- managing suburban growth;
- population growth;
- municipal reserves; and
- sour gas facilities.

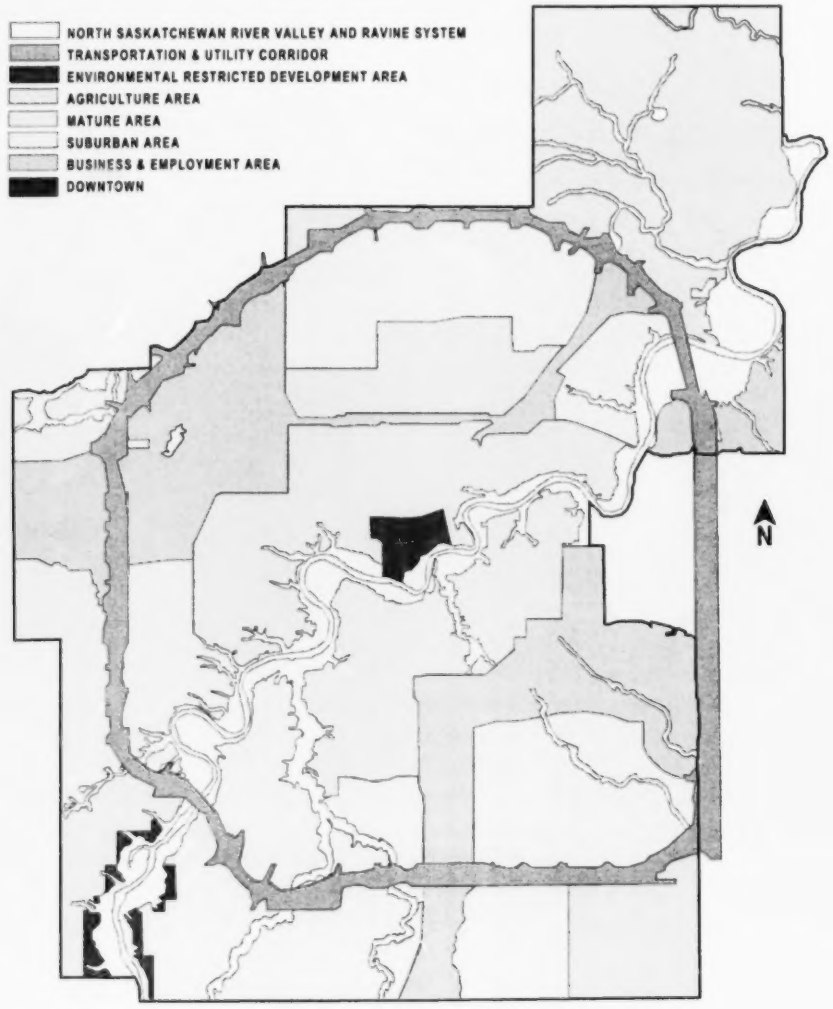
The intermunicipal planning section of *Plan Edmonton* provides a framework for intermunicipal land use, transportation systems and infrastructure planning and development. This section also promotes effective and co-operative planning, decision making and service delivery at an intermunicipal and regional level.

Plan Edmonton is implemented in part through the use of Area Structure Plans, Servicing Concept Design Briefs, Neighbourhood Structure Plans and Area Redevelopment Plans (see Figures 2 and 3). The MDP is also implemented through a series of land use controls and regulatory measures, including the Land Use Bylaw, the subdivision approval process, and development and servicing agreements (see Figure 4). These plans and controls are described in the remainder of Section 3.

All land development plans must conform to the policies and strategies of the MDP. A development or plan will be refused if it does not conform to the MDP. The MDP can be amended by Council passing an amending bylaw. Prior to second reading of the bylaw, City Council must hold a public hearing to provide an opportunity for those affected by the amendment to make suggestions and representations.

MAP 1 (AS AMENDED)
LAND DEVELOPMENT CONCEPT

This map represents a broad and conceptual illustration of the desired land development structure and is not intended to provide site specific direction to land use regulation.



Amendment 1: Bylaw No. 11777, as amended by Bylaw No. 11893, January 5,1999

3.2 AREA STRUCTURE PLANS (ASP) AND NEIGHBOURHOOD AREA STRUCTURE PLANS (NASP) (STEP 2A)

The *Municipal Government Act* intends that raw land be developed in an orderly and efficient manner. **Area Structure Plans** provide a statutory way of meeting the collective needs of a number of neighbourhoods through careful planning for the area as a whole. ASPs generally cover areas of at least 200 hectares, unless Council specifies a smaller area, and provide a framework for the development of several neighbourhoods. They generally apply to newly developing suburban areas. Please refer to Map 1.

In some new suburban areas of the city, **Neighbourhood Area Structure Plans** have been prepared (e.g., Burnewood, Twin Brooks, Haddow, Hodgson, Terwillegar Towne) which encompass one or two neighbourhoods, but nevertheless meet all the requirements for preparing ASPs. Neighbourhood Area Structure Plans generally comply with non-statutory large-scale plans for new suburban areas such as Servicing Concept Design Briefs or old District Outline plans.

In general terms, ASPs and NASPs identify where residential, commercial, institutional and recreational uses will be located and how essential municipal services such as water and sewer systems, arterial and collector roads, schools and parks, and fire protection will be provided. These plans also estimate the number of people that are expected to live in the new area and how development will be staged over time.

It is through ASPs that the broad policies of the Municipal Development Plan for suburban growth management are applied.

Unless their land is recognized in the Municipal Development Plan as "suitable for local planning", the owner or owners of the majority of land in an undeveloped area wanting to develop new suburban neighbourhoods, must request City Council to authorize preparation of an ASP/NASP. This request is then reviewed by the Planning and Policy Services Branch of the Planning and Development Department and various civic departments to determine whether or not the proposals should be supported. The administration's report and the applicant's written request must advise Council how proposed development will meet Municipal Development Plan objectives and policies, and what the future land uses will be. Any potential problem areas must also be identified. Council can then decide if they wish to authorize the owners to prepare a plan.

Terms of Reference approved by Council provide developers/land owners with a detailed listing of submission requirements for both residential and industrial ASPs.

Though ASPs are intended to be a general statement about future land uses in a new area, developers must thoroughly research their development plans and design them with the services required to support them. Through the plan, developers must show Council that they understand the impact their proposals will have on the existing area, on neighbouring communities and on other parts of Edmonton. They must be able to forecast the number of people who will reside and work in the area and the number of children likely to be attending schools. They must have studied the drainage basins to determine sewer requirements and they must propose how private vehicles, public transit, bicycle and pedestrian traffic will access and move within the area. Other considerations include development staging and a broad range of community and recreation services and facilities.

Once an ASP has been prepared, the applicant submits it to the Planning and Development Department for review. The review is undertaken by the department with assistance from other civic departments. The review considers the Plan's conformity to Council planning policies and bylaws; servicing requirements, standards and costs; and, the need for additional neighbourhoods. Discussion and negotiation is undertaken with the applicant to ensure that the owners development aspirations and the interests of the City are met. Public input is solicited through mailed notice of the plan and through public meeting(s). Once matters are resolved, the department prepares a Bylaw for City Council's consideration. Following a public hearing, Council considers the plan for adoption as a bylaw. The ASP approval process generally takes from four to six months or longer, depending on the complexity of issues. This process is shown in Figure 5.

From time to time it is necessary for a variety of technical and marketing reasons to amend an ASP. The amendment process resembles the ASP approval process and the majority owners must provide a written request to Council to justify the amendment in terms of Municipal Development Plan objectives and policies and within the context of the approved ASP.

FIGURE

Area Structure Plan (ASP) Preparation and Approval Process

Note: This process is also applicable to the preparation and approval of ***Neighbourhood Area Structure Plans***

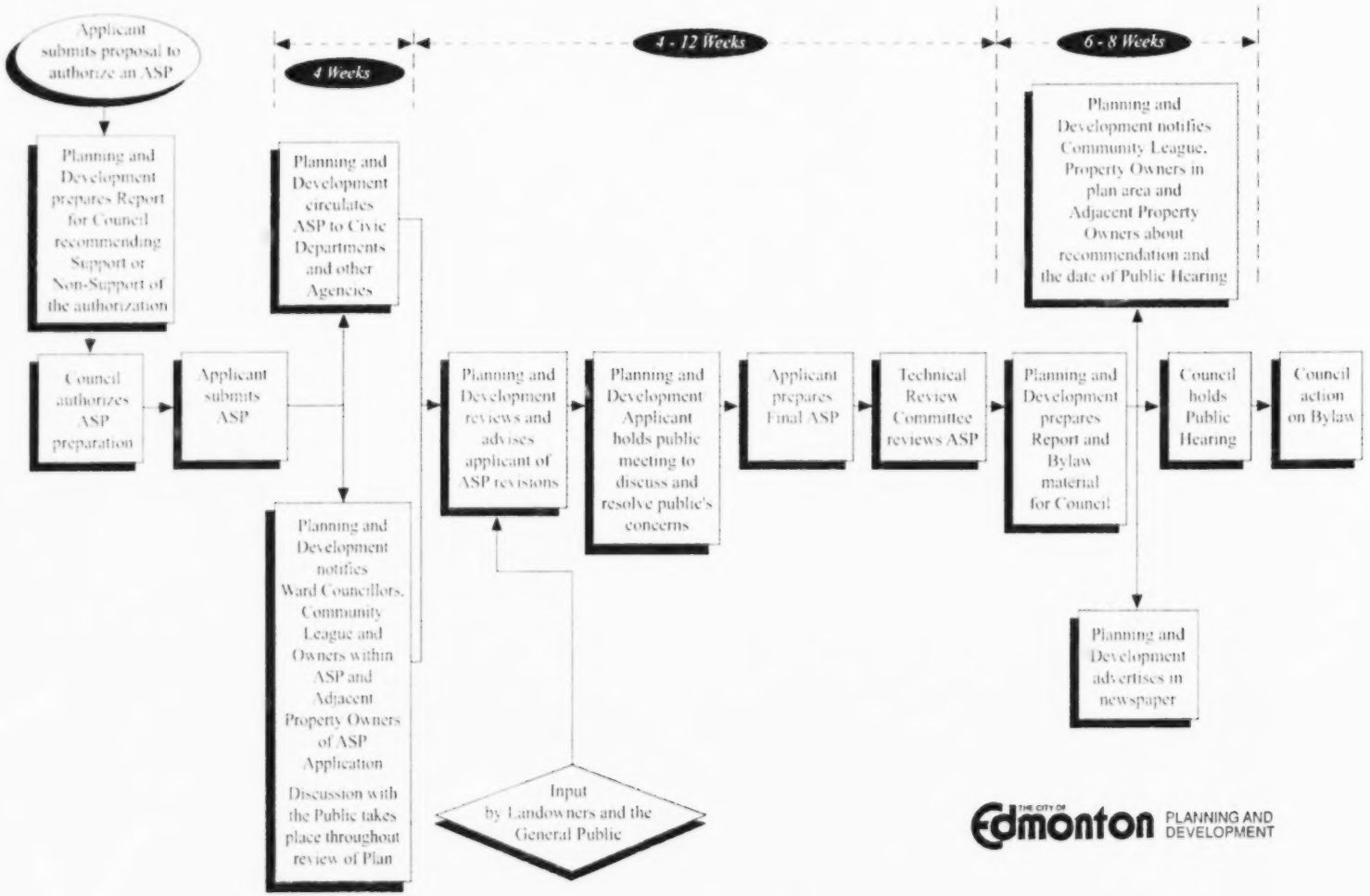

Applicant submits proposal to authorize an ASP
4 Weeks
4 - 12 Weeks
6 - 8 Weeks
Planning and Development prepares Report for Council recommending Support or Non-Support of the authorization
Planning and Development circulates ASP to Civic Departments and other Agencies
Planning and Development notifies Community League, Property Owners in plan area and Adjacent Property Owners about recommendation and the date of Public Hearing
Council authorizes ASP preparation
Applicant submits ASP
Planning and Development reviews and advises applicant of ASP revisions
Planning and Development Applicant holds public meeting to discuss and resolve public's concerns
Applicant prepares Final ASP
Technical Review Committee reviews ASP
Planning and Development prepares Report and Bylaw material for Council
Council holds Public Hearing
Council action on Bylaw
Planning and Development notifies Ward Councillors, Community League and Owners within ASP and Adjacent Property Owners of ASP Application
Discussion with the Public takes place throughout review of Plan
Input by Landowners and the General Public
Planning and Development advertises in newspaper
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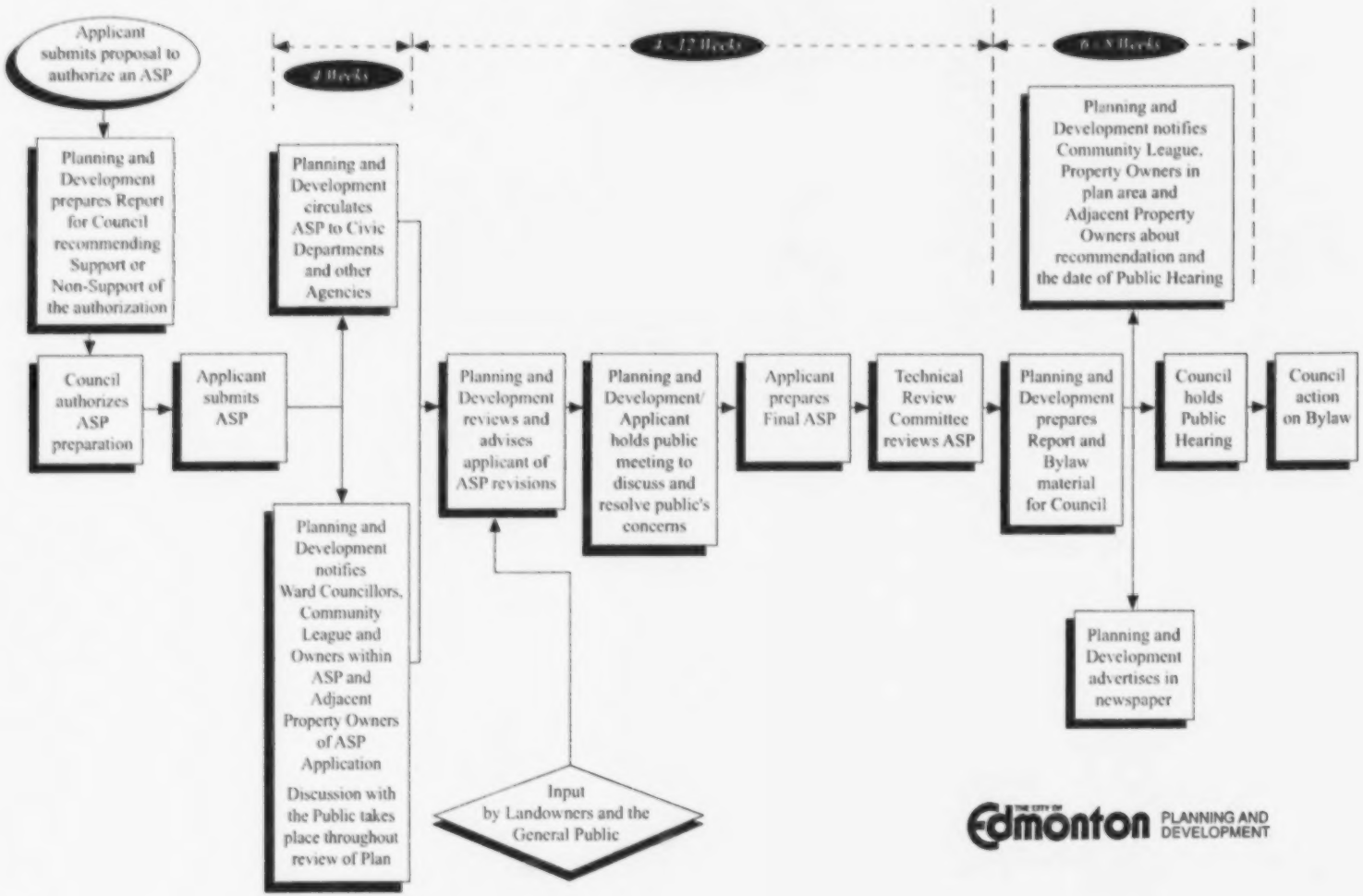
FIGURE 5 *Area Structure Plan (ASP) Preparation and Approval Process*

Note: This process is also applicable to the preparation and approval of ***Neighbourhood Area Structure Plans***


Applicant submits proposal to authorize an ASP
4 Weeks
4 - 12 Weeks
6 - 8 Weeks
Planning and Development prepares Report for Council recommending Support or Non-Support of the authorization
Planning and Development circulates ASP to Civic Departments and other Agencies
Planning and Development notifies Community League, Property Owners in plan area and Adjacent Property Owners about recommendation and the date of Public Hearing
Council authorizes ASP preparation
Applicant submits ASP
Planning and Development reviews and advises applicant of ASP revisions
Planning and Development/ Applicant holds public meeting to discuss and resolve public's concerns
Applicant prepares Final ASP
Technical Review Committee reviews ASP
Planning and Development prepares Report and Bylaw material for Council
Council holds Public Hearing
Council action on Bylaw
Planning and Development notifies Ward Councillors, Community League and Owners within ASP and Adjacent Property Owners of ASP Application
Discussion with the Public takes place throughout review of Plan
Input by Landowners and the General Public
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3.3 AREA REDEVELOPMENT PLANS (ARP) (STEP 2B)

The legal basis for the preparation of ARPs is set out in the *Municipal Government Act.* Generally, ARPs are applied to areas within the inner city, although the North Saskatchewan River Valley ARP Bylaw applies to the entire river valley and ravine system throughout the city.

An ARP may designate an area (i.e., a single neighbourhood or group of neighbourhoods) for the purposes of:

- preservation or improvement of land and buildings;
- rehabilitation of buildings;
- removal of buildings and/or their construction of and replacement; and
- the relocation and rehabilitation of utilities and services

ARPs are generally prepared by staff of the Planning and Policy Services Branch of the Planning and Development Department with extensive public and neighbourhood consultation and discussion. An ARP Bylaw must be adopted by City Council.

The public is involved during plan preparation through committees, public meetings, open houses, surveys and any other mechanism needed to encourage and obtain input. During plan approval, City Council must hold a public hearing prior to second reading of the adopting bylaw so that the public can advise Council directly on the Plan.

ARPs are generally comprehensive in their nature and scope and address the following topics:

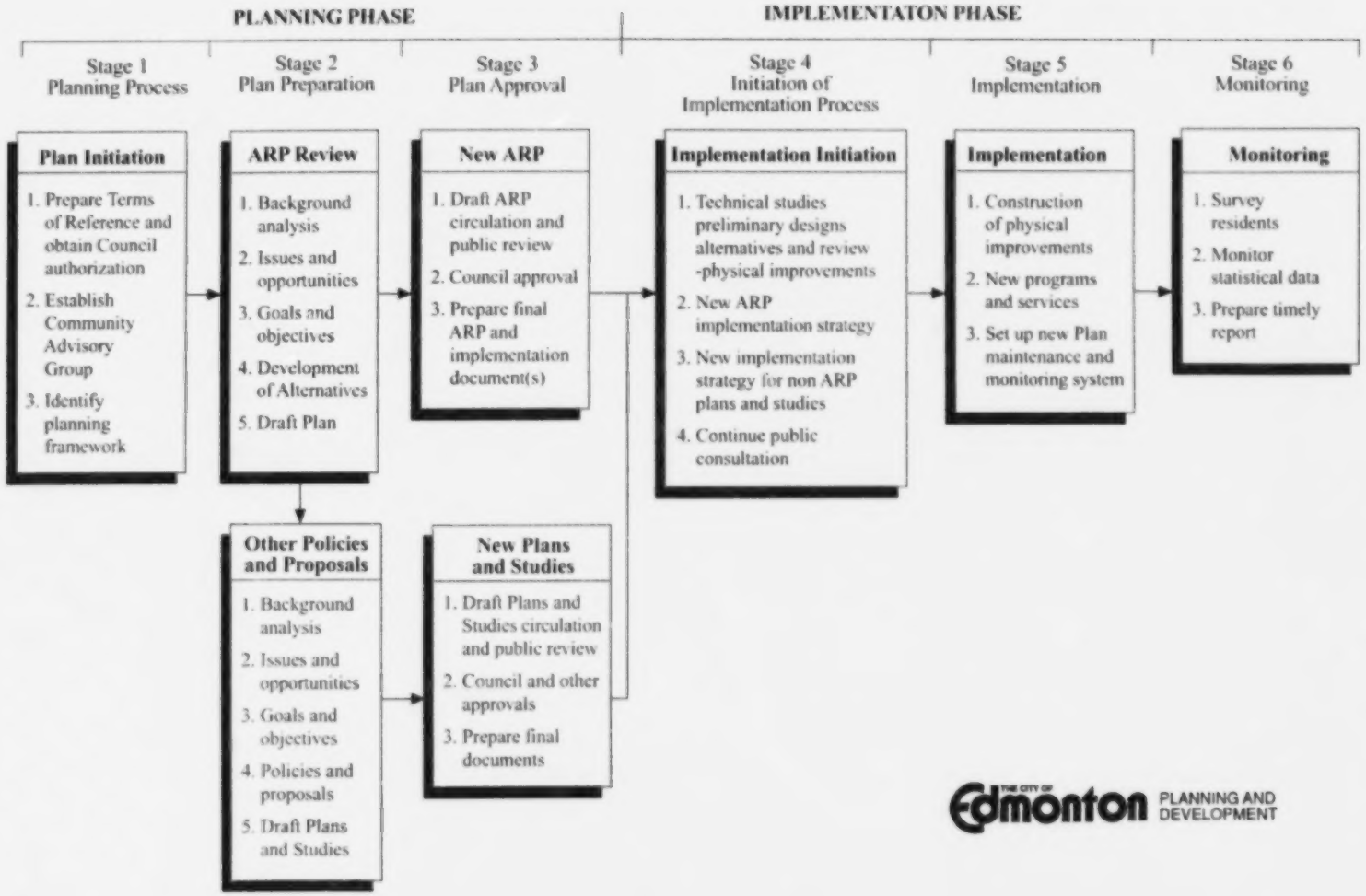
- land uses and physical development patterns;
- urban design;
- physical infrastructure;
- accommodation of growth and decline;
- social and community development;
- community economic development;
- transportation facilities;
- community facilities such as schools, parks and open spaces;
- historical preservation; and
- environmental protection

(e.g., the North Saskatchewan River Valley ARP Bylaw).

ARPs, depending on their geographic scope and the complexity of physical planning and socio-economic issues, usually take 18 to 24 months from inception to completion. A typical ARP preparation process is depicted in Figure 6.

The mechanics of each planning exercise is similar. However, there is significant variation in the resource requirements and intensity of activity depending on the type of issues to be addressed.

FIGURE 6 *Typical Preparation and Review Process for an Area Redevelopment Plan (ARP)*


PLANNING PHASE
IMPLEMENTATON PHASE
Stage 1 Planning Process
Stage 2 Plan Preparation
Stage 3 Plan Approval
Stage 4 Initiation of Implementation Process
Stage 5 Implementation
Stage 6 Monitoring
Plan Initiation
1. Prepare Terms of Reference and obtain Council authorization
2. Establish Community Advisory Group
3. Identify planning framework
ARP Review
1. Background analysis
2. Issues and opportunities
3. Goals and objectives
4. Development of Alternatives
5. Draft Plan
New ARP
1. Draft ARP circulation and public review
2. Council approval
3. Prepare final ARP and implementation document(s)
Implementation Initiation
1. Technical studies preliminary designs alternatives and review -physical improvements
2. New ARP implementation strategy
3. New implementation strategy for non ARP plans and studies
4. Continue public consultation
Implementation
1. Construction of physical improvements
2. New programs and services
3. Set up new Plan maintenance and monitoring system
Monitoring
1. Survey residents
2. Monitor statistical data
3. Prepare timely report
Other Policies and Proposals
1. Background analysis
2. Issues and opportunities
3. Goals and objectives
4. Policies and proposals
5. Draft Plans and Studies
New Plans and Studies
1. Draft Plans and Studies circulation and public review
2. Council and other approvals
3. Prepare final documents
THE CITY OF Edmonton PLANNING AND DEVELOPMENT

3.4 SERVICING CONCEPT DESIGN BRIEFS (SCDB) (STEP 2C)

An SCDB contains most of the elements of an **Area Structure Plan**. An SCDB provides pro-active, forward-planning statements of the civic position on the general placement and development of major land uses, including municipal and school facilities. It establishes a general framework for municipal infrastructure, servicing, planning and development and environmental requirements. It is generally applied to an undeveloped suburban area considered to be an integrated planning unit. Neighbourhood Area Structure Plans are prepared for smaller areas within the SCDB to facilitate development of individual neighbourhoods. All SCDBs and NASPs must conform to the Municipal Development Plan.

The SCDB approach assists the City in the ongoing development of the Capital Priorities Plan (CPP), as the cost of capital servicing and improvements can be identified and assigned an appropriate priority within the CPP. Landowners and developers are also provided with certainty about the City's intents to provide services.

City Council may authorize the preparation of an SCDB for any area of the City where municipal servicing requirements are to be defined well in advance of anticipated development. City Council may adopt an SCDB by simple resolution.

SCDBs are prepared by the civic administration with the Planning and Development Department taking a lead role. SCDBs can also be prepared under the direction of the civic administration by qualified urban planning, municipal engineering and environmental consultants.

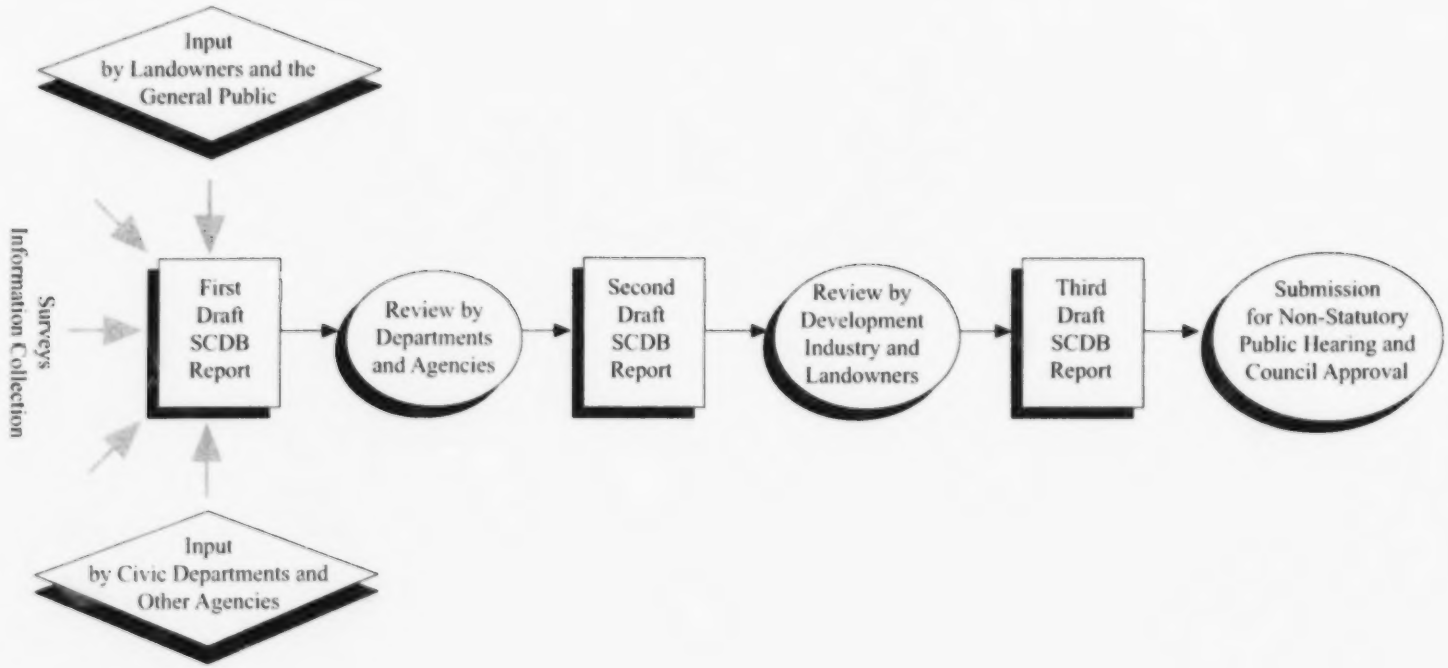
Although SCDBs are not statutory plans, there are certain administrative and technical advantages inherent in their adoption, as follows:

- non-statutory approval allows substantial flexibility with respect to unanticipated and innovative types of development, land use patterns and servicing concepts/techniques;
- due to their adoption by resolution of Council and their inherent flexibility, SCDBs may not need to be amended in the light of new technical information, market uncertainty, differing landowner aspirations and other circumstances which may affect timing and phasing of development;
- as declared policy of Council, SCDBs will be recognized by all civic departments and agencies;
- processing timelines are likely to be less than those associated with the conventional statutory ASP process, particularly if there are disagreements among landowners and developers and uncertainties in defining City servicing requirements;
- ongoing input by owners, developers and the public is facilitated; and
- "fixed" statutory land use planning only needs to be undertaken for smaller neighbourhood cells using the normal NASP, redistricting and subdivision processes.

The preparation and approval process for SCDBs is summarized in Figure 7.

The SCDB is one variety of a group of non-statutory planning approaches which include **corridor studies, site specific master plans** and **land use studies**. These non-statutory plans can be prepared at the option of the City of Edmonton. Examples of such non-statutory plans include the Calgary Trail Land Use Study, the 100 Avenue Corridor Study and the CP Lands Master Plan. These plans contain all the elements of statutory plans and are approved following non-statutory public hearings before Council.

FIGURE 7 ***The Servicing Concept Design Brief (SCDB) Preparation and Approval Process***


Input by Landowners and the General Public
Information Collection
Surveys
First Draft SCDB Report
Review by Departments and Agencies
Second Draft SCDB Report
Review by Development Industry and Landowners
Third Draft SCDB Report
Submission for Non-Statutory Public Hearing and Council Approval
Input by Civic Departments and Other Agencies

THE CITY OF Edmonton PLANNING AND DEVELOPMENT

3.5 NEIGHBOURHOOD STRUCTURE PLANS (NSP) (STEP 3)

As a component or sub-unit of an Area Structure Plan, NSPs are generally prepared for areas that can support approximately 4,000 - 7,000 people. The NSP shows in greater detail than ASPs, the general pattern for subdivisions by designating land uses by type, size and location, the transportation network (excluding local roads), location and size of neighbourhood facilities and staging of development. NSP bylaws are adopted by City Council as amendments to Area Structure Plans.

NSPs are authorized by Council through ASPs. NSPs must conform to the spirit, intent and guidelines set forth in the ASP and other planning policies and guidelines of the City. NSPs are sufficiently detailed to provide the basis for subsequent detailed subdivision and districting of the land.

NSPs are usually prepared by the land owner/developer and submitted to the Planning and Development Department for review with assistance from other civic departments. The review considers the Plans conformity to the ASP; Council policies; servicing requirements, standards and costs; and, the need for the neighbourhood to meet housing forecasts. The Plans content is often negotiated to ensure City and developer needs and desires are met.

Terms of Reference approved by Council provide developers/land owners with a detailed listing of submission requirements for NSPs.

The entire plan approval process, depicted on Figure 8, usually takes 4-6 months or longer, depending on the complexity of planning issues.

NSPs should not be confused with Neighbourhood Area Structure Plans, as described in Section 3.2. Neighbourhood Area Structure Plans are basically "mini" Area Structure Plans applying to one or two neighbourhoods. NSP's provide a greater level of detail for one neighbourhood within the context of an ASP.

FIGURE

Neighbourhood Structure Plan (NSP) Preparation and Approval Process

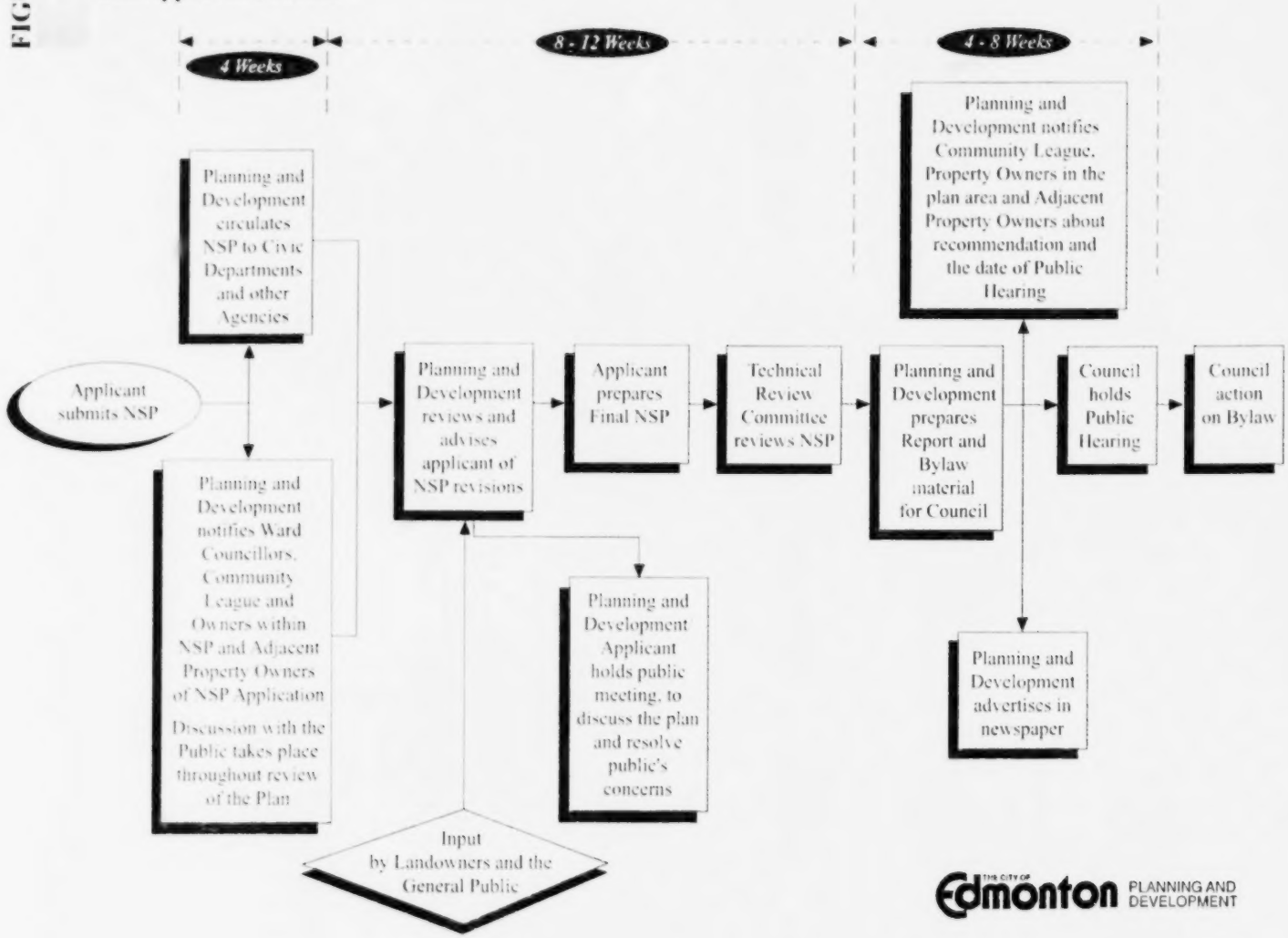

4 Weeks
8 - 12 Weeks
4 - 8 Weeks
Planning and Development circulates NSP to Civic Departments and other Agencies
Planning and Development notifies Community League, Property Owners in the plan area and Adjacent Property Owners about recommendation and the date of Public Hearing
Applicant submits NSP
Planning and Development reviews and advises applicant of NSP revisions
Applicant prepares Final NSP
Technical Review Committee reviews NSP
Planning and Development prepares Report and Bylaw material for Council
Council holds Public Hearing
Council action on Bylaw
Planning and Development notifies Ward Councillors, Community League and Owners within NSP and Adjacent Property Owners of NSP Application
Discussion with the Public takes place throughout review of the Plan
Planning and Development Applicant holds public meeting, to discuss the plan and resolve public's concerns
Planning and Development advertises in newspaper
Input by Landowners and the General Public
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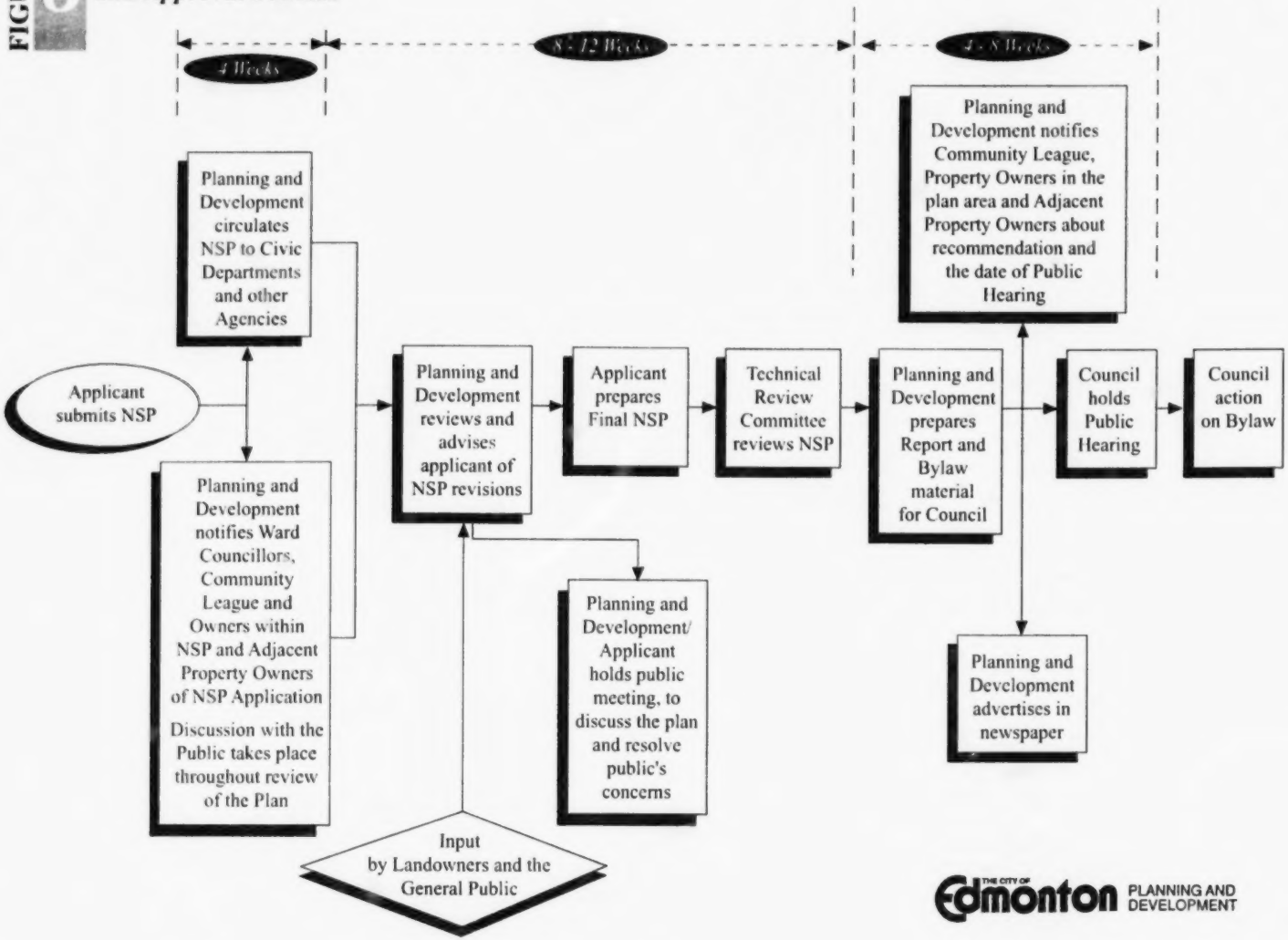
FIGURE 8 ***Neighbourhood Structure Plan (NSP) Preparation and Approval Process***


4 Weeks
8 - 12 Weeks
4 - 8 Weeks
Planning and Development circulates NSP to Civic Departments and other Agencies
Planning and Development notifies Community League, Property Owners in the plan area and Adjacent Property Owners about recommendation and the date of Public Hearing
Applicant submits NSP
Planning and Development reviews and advises applicant of NSP revisions
Applicant prepares Final NSP
Technical Review Committee reviews NSP
Planning and Development prepares Report and Bylaw material for Council
Council holds Public Hearing
Council action on Bylaw
Planning and Development notifies Ward Councillors, Community League and Owners within NSP and Adjacent Property Owners of NSP Application
Discussion with the Public takes place throughout review of the Plan
Planning and Development/ Applicant holds public meeting, to discuss the plan and resolve public's concerns
Planning and Development advertises in newspaper
Input by Landowners and the General Public
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3.6 THE LAND USE BYLAW (BYLAW 5996) (STEP 4)

3.6.a. The Bylaw

The City of Edmonton Land Use Bylaw, adopted in 1980, regulates the use of land within city limits and sets basic standards for development such as site coverage, density, height of buildings, yard dimensions, landscaping and parking. It is a key tool for implementing the City's land use and development policies as expressed through the MDP, ASPs, NSPs, ARPs and non-statutory local planning studies like corridor plans and Servicing Concept Design Briefs.

Edmonton's Land Use Bylaw 5996 has a number of "standard" Land Use Districts relating to residential, commercial, industrial, recreational, public service and agricultural uses. Each district includes specific requirements and regulations to be applied throughout the City on lands bearing a designation.

The Bylaw also includes five types of Direct Control District. The Land Use Bylaw provides a framework and statement of each Direct Control District's general purpose. Each application for Direct Control is tailored to address specific development aspirations for the site which cannot be accommodated under any standard district and is dealt with individually. Each includes a discrete list of uses for that particular site and site development regulations which consider the specifics of the site and surrounding lands. Each is approved by a bylaw of Council which amends the Land Use District map and the text of the LUB by including the specific requirements for that site.

The Land Use Bylaw also contains special Overlay Districts which amend the regulations of underlying "standard" districts. These overlays are used in a variety of special circumstances, for example, where an ARP is in effect, or to protect airport approaches, regulate development in floodplains, to ensure high standards of development along major commercial corridors or to implement specific desires for development in suburban areas.

3.6.b. Redistricting

Redistricting refers to the process of changing the Land Use District which applies to a particular parcel of land. Redistricting is required when development proposed for a site would not be allowed by the Land Use District currently applied to that site or property. Applications are usually initiated by the owner and are submitted to the Planning and Development Department. They are circulated to various civic departments, adjacent land owners and affected community leagues. Figure 9 outlines the redistricting process.

The Planning and Development Department facilitates discussion, resolves problems and ensures the final application complies with appropriate city policies. A report is then prepared advising Council whether or not the application should be supported. A public hearing is held by City Council prior to second reading and then Council considers the redistricting bylaw for adoption.

Application fees, which are subject to change, currently range from approximately $522 to $2,900, depending on the existing and proposed Land Use Districts. If the proposal proceeds to City Council, an additional fee of $740 is levied to cover the costs of newspaper advertising to notify the public of the proposed redistricting. All assessed owners within 60 metres of the site and the executive of the local community league are also notified.

The redistricting process generally takes 60-120 days depending on the complexity and potential physical and community impacts associated with the proposal.

A new Land Use Bylaw is being prepared which may change the City's approach to land use/development control.

FIGURE

Land Redistricting – Process for Application and Approval

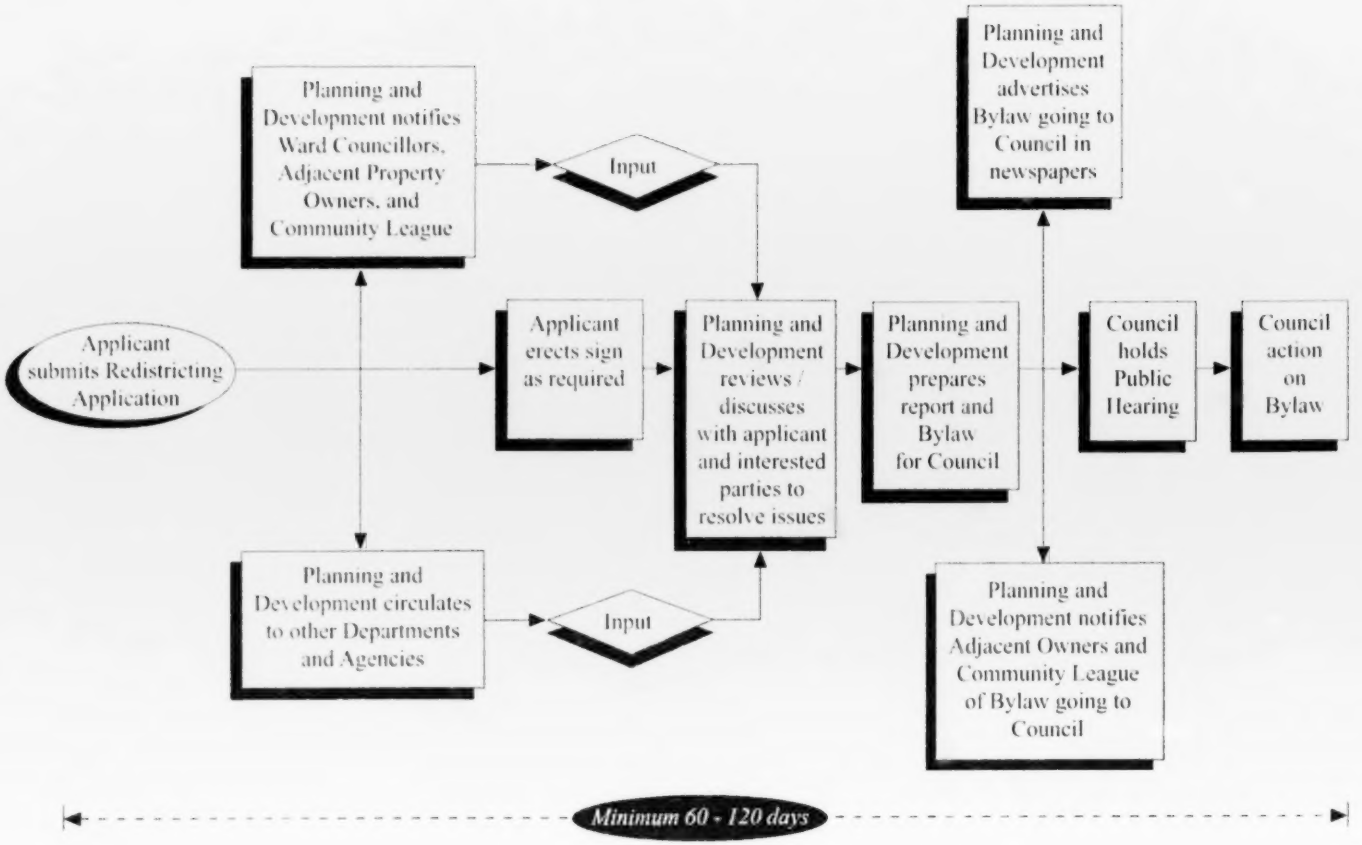
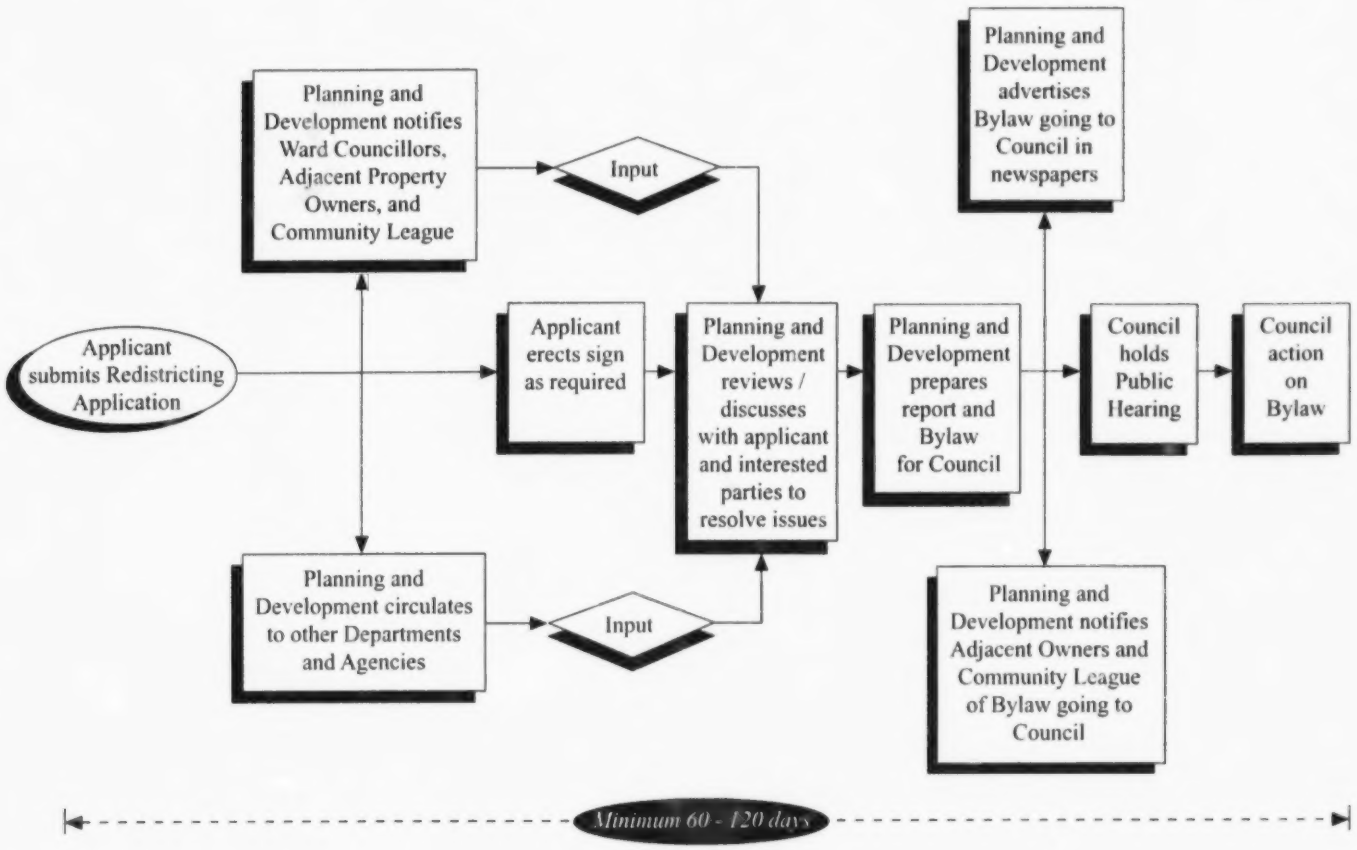

Planning and Development notifies Ward Councillors, Adjacent Property Owners, and Community League
Input
Planning and Development advertises Bylaw going to Council in newspapers
Applicant submits Redistricting Application
Applicant erects sign as required
Planning and Development reviews / discusses with applicant and interested parties to resolve issues
Planning and Development prepares report and Bylaw for Council
Council holds Public Hearing
Council action on Bylaw
Planning and Development circulates to other Departments and Agencies
Input
Planning and Development notifies Adjacent Owners and Community League of Bylaw going to Council
Minimum 60 - 120 days

FIGURE 9 *Land Redistricting – Process for Application and Approval*


Planning and Development advertises Bylaw going to Council in newspapers
Planning and Development notifies Ward Councillors, Adjacent Property Owners, and Community League
Input
Applicant submits Redistricting Application
Applicant erects sign as required
Planning and Development reviews / discusses with applicant and interested parties to resolve issues
Planning and Development prepares report and Bylaw for Council
Council holds Public Hearing
Council action on Bylaw
Planning and Development circulates to other Departments and Agencies
Input
Planning and Development notifies Adjacent Owners and Community League of Bylaw going to Council
Minimum 60 - 120 days

3.7 SUBDIVISIONS (STEP 5)

Subdivision is the process whereby a parcel of land is divided into two or more parcels in order to obtain separate legal titles for each parcel.

Subdivision of land is an important and effective land use management and planning tool. Subdivision of land within the City of Edmonton is governed by the *Municipal Government Act* and *The Subdivision and Development Regulation*, whereby City Council is authorized as the approving authority. Council, in turn, has delegated its subdivision authority through a bylaw to the **Subdivision Authority**.

The **Subdivision Authority** is a non-political body comprised of three staff members from the Planning and Development Department. It reviews technical matters involved in subdivision proposals, including conformity with statutory and non-statutory plans and any implementation requirements which the administration needs to include in associated servicing agreements.

Decision making on minor subdivisions such as lot splits, bare land condominiums and small subdivisions not involving municipal reserve requirements, servicing agreements or redistricting has been delegated to the Planning and Development Department's **Subdivision Officer**.

The key steps in the subdivision process are outlined in Figure 10. The *Subdivision and Development Regulation* requires that the subdivision authority render a decision on the subdivision within 60 days. This time can be extended through agreement with the applicant.

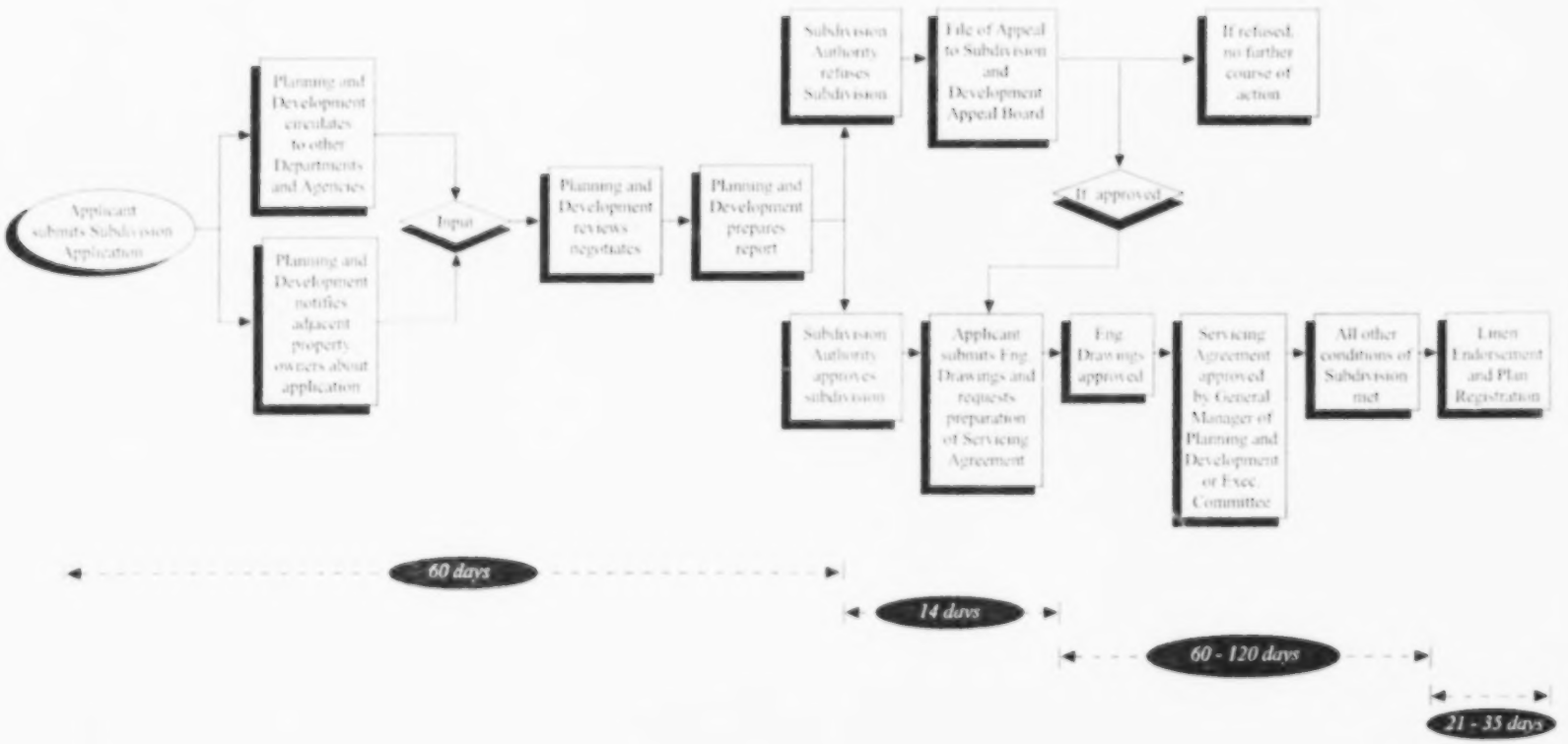
On all subdivisions, staff of the Planning and Development Department review applications to ensure their compliance with Area and Neighbourhood Structure Plans, servicing and staging requirements and the Land Use Bylaw. Appropriate discussions and negotiations with the applicant are undertaken prior to a decision being recommended to the Subdivision Authority or Subdivision Officer.

Decisions of the Subdivision Authority or Subdivision Officer may be appealed to the Subdivision and Development Appeal Board. The Board is established by Bylaw of Council with members appointed by Council. Subdivisions may be appealed only by the applicant, the municipality, the school boards and the provincial government. Adjacent property owners are notified of applications when received and are invited to comment, but have no right to appeal decisions.

The new legislation also provides for subdivisions to be appealed to the **Municipal Government Board** on matters of provincial concern or intermunicipal dispute. The Municipal Government Board is a provincially appointed body.

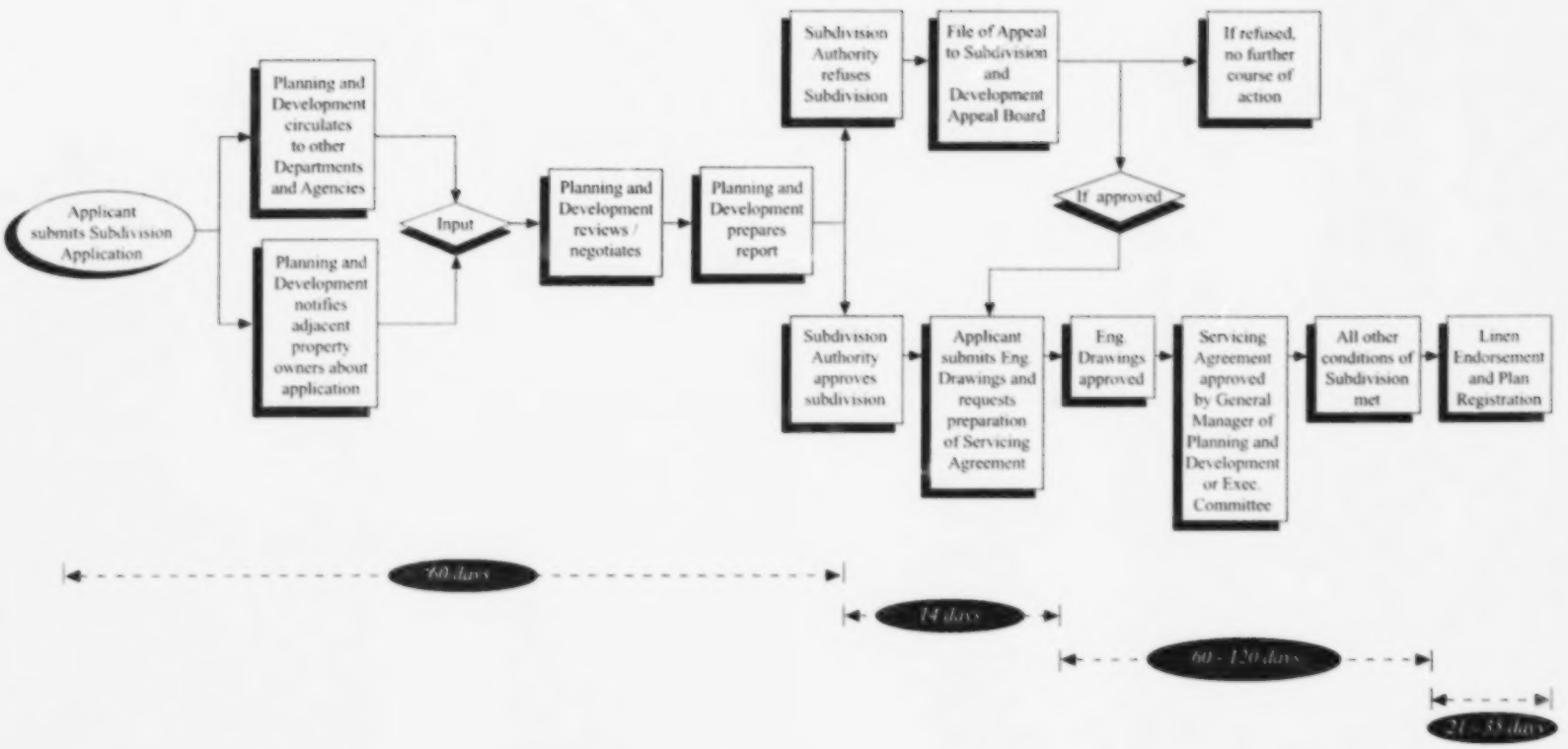
FIGURE

Process for Approving and Registering a Plan of Subdivision


Applicant submits Subdivision Application
Planning and Development circulates to other Departments and Agencies
Planning and Development notifies adjacent property owners about application
Input
Planning and Development reviews negotiates
Planning and Development prepares report
Subdivision Authority refuses Subdivision
File of Appeal to Subdivision and Development Appeal Board
If refused, no further course of action
If approved
Subdivision Authority approves subdivision
Applicant submits Eng. Drawings and requests preparation of Servicing Agreement
Eng. Drawings approved
Servicing Agreement approved by General Manager of Planning and Development or Exec. Committee
All other conditions of Subdivision met
Linen Endorsement and Plan Registration
60 days
14 days
60 - 120 days
21 - 35 days

The City of Edmonton PLANNING AND DEVELOPMENT

FIGURE 10 *Process for Approving and Registering a Plan of Subdivision*


Applicant submits Subdivision Application
Planning and Development circulates to other Departments and Agencies
Planning and Development notifies adjacent property owners about application
Input
Planning and Development reviews / negotiates
Planning and Development prepares report
Subdivision Authority refuses Subdivision
File of Appeal to Subdivision and Development Appeal Board
If refused, no further course of action
If approved
Subdivision Authority approves subdivision
Applicant submits Eng Drawings and requests preparation of Servicing Agreement
Eng Drawings approved
Servicing Agreement approved by General Manager of Planning and Development or Exec. Committee
All other conditions of Subdivision met
Linen Endorsement and Plan Registration
60 days
14 days
60 - 120 days
21 - 35 days

THE CITY OF Edmonton PLANNING AND DEVELOPMENT

3.8 CONDOMINIUMS

The *Condominium Property Act, RSA 1980*, provides opportunity for the conversion of existing buildings to condominiums. The *Act* requires the City's approval prior to registration of such a conversion.

Unlike bare land condominiums which are dealt with much the same as subdivisions, the City's approval is indicated by the City Clerk's signature on the condominium plan. Prior to signature, an Alberta Land Surveyor submits the condominium plan to the Planning and Development Department for review. The review consists of comparing the plan to the development permit issued when the building was constructed to ensure the number of suites and the on site parking required are consistent between the development permit and the condominium plan.

Following this review, the City Clerk signs the condominium plan. The Alberta Land Surveyor can then submit the plan for registration through Alberta Land Titles.

A fee is charged for this service. It takes approximately 5 working days to review and send the plan for signature.

3.9 ROAD AND LANE CLOSURES (STEP 6)

The closure of road allowances, right-of-ways or lanes is mandated by the *Municipal Government Act*. The process, which is administered by the Planning and Development Department, involves a public hearing and bylaw approval similar to redistrictings. However, road and lane closure bylaws are not usually advanced to City Council unless the sale or exchange of right-of-way lands to be closed has been approved.

Applications are submitted to the Planning and Development Department and a $300.00 application fee is charged. The application for the portion of roadway to be closed is circulated to all civic departments, utility agencies and affected property owners. The application is generally reviewed to determine if it will negatively impact traffic circulation and to determine if there are utilities which need to be moved or protected by easement. If there are no objections from civic departments or utility agencies, the application is forwarded to the Asset Management and Public Works Department where staff negotiate the sale of the closure lands to the applicant at "fair market value". The applicant may be required to pay for the relocation of utilities or reconstruction of the roadway.

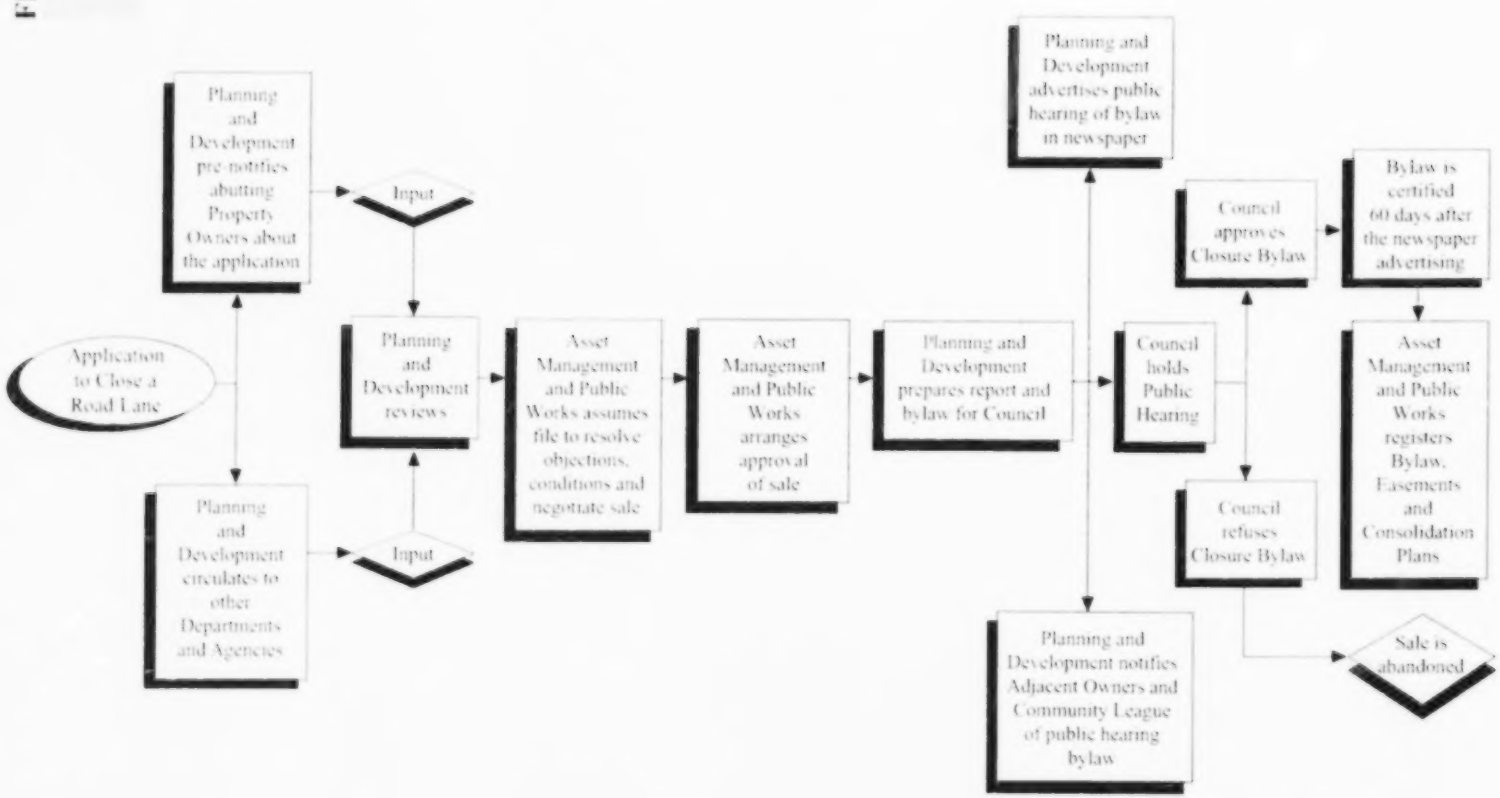
City Council's Executive Committee approves all sales that are more than $1,000,000 or that reflect a price less than market value. The Asset Management and Public Works Department approves all other sales agreements. Approvals are always conditional upon Council's approval of the associated road closure bylaw.

Following this conditional sale approval, the applicant is required to pay a further $1500.00 fee to the Planning and Development Department, which then advertises the road closure and prepares a bylaw for Council's consideration, following a public hearing.

All of the above noted fees are subject to change. The processing procedures, from initial application to Council approval, are summarized in Figure 11.

FIGURE

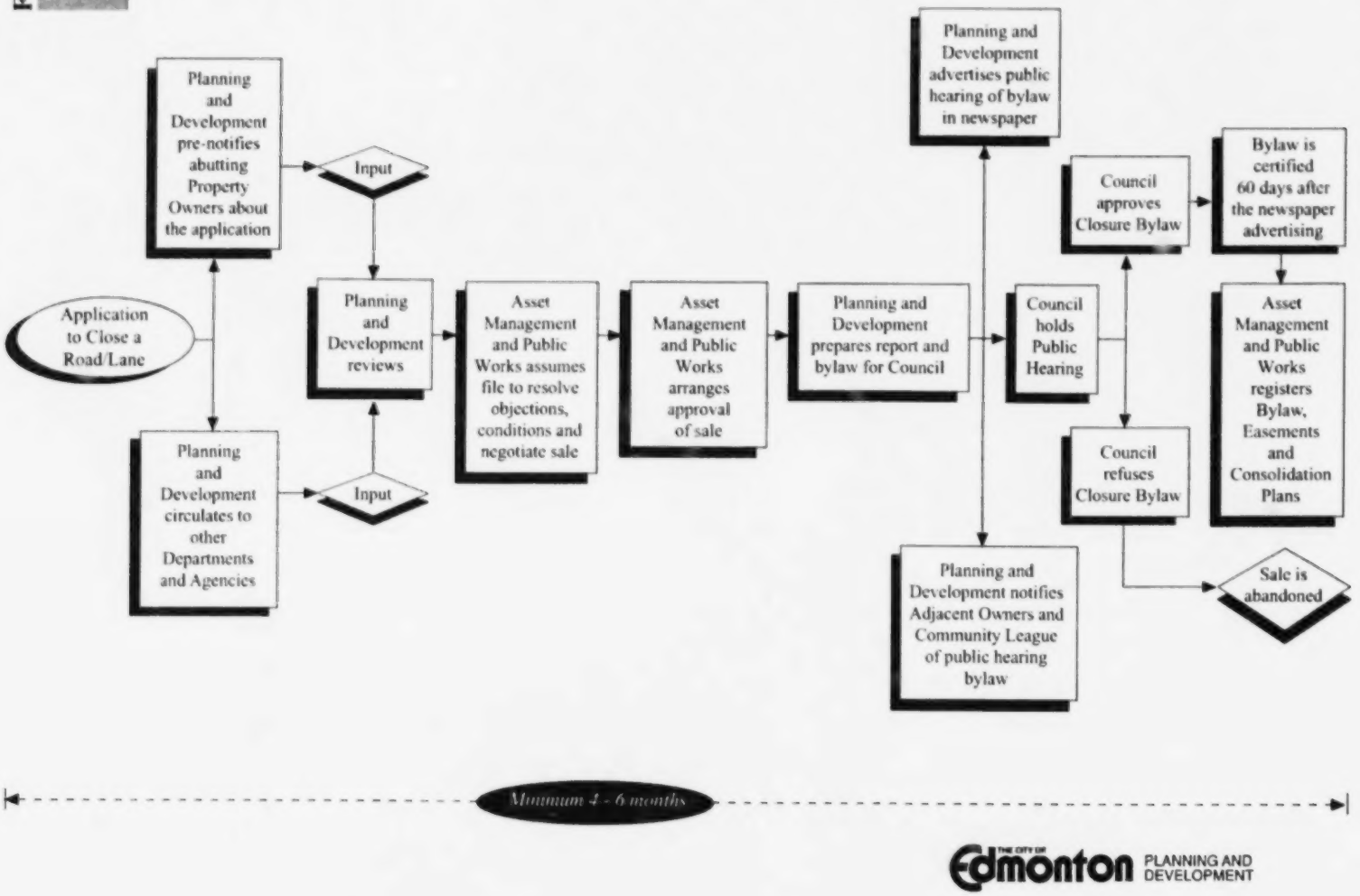
Road/Lane Closure Process – Flow Chart


Application to Close a Road Lane
Planning and Development pre-notifies abutting Property Owners about the application
Input
Planning and Development circulates to other Departments and Agencies
Input
Planning and Development reviews
Asset Management and Public Works assumes file to resolve objections, conditions and negotiate sale
Asset Management and Public Works arranges approval of sale
Planning and Development prepares report and bylaw for Council
Planning and Development advertises public hearing of bylaw in newspaper
Planning and Development notifies Adjacent Owners and Community League of public hearing bylaw
Council holds Public Hearing
Council approves Closure Bylaw
Council refuses Closure Bylaw
Bylaw is certified 60 days after the newspaper advertising
Asset Management and Public Works registers Bylaw, Easements and Consolidation Plans
Sale is abandoned
Minimum 4 - 6 months

THE CITY OF Edmonton PLANNING AND DEVELOPMENT

FIGURE 11

Road/Lane Closure Process – Flow Chart


Application to Close a Road/Lane
Planning and Development pre-notifies abutting Property Owners about the application
Input
Planning and Development circulates to other Departments and Agencies
Input
Planning and Development reviews
Asset Management and Public Works assumes file to resolve objections, conditions and negotiate sale
Asset Management and Public Works arranges approval of sale
Planning and Development prepares report and bylaw for Council
Planning and Development advertises public hearing of bylaw in newspaper
Planning and Development notifies Adjacent Owners and Community League of public hearing bylaw
Council holds Public Hearing
Council approves Closure Bylaw
Council refuses Closure Bylaw
Bylaw is certified 60 days after the newspaper advertising
Asset Management and Public Works registers Bylaw, Easements and Consolidation Plans
Sale is abandoned
Minimum 4 - 6 months

Edmonton PLANNING AND DEVELOPMENT

3.10 SERVICING AGREEMENTS (STEP 7)

As a condition of subdivision approval, the Subdivision Authority may require an owner or developer to enter into a servicing agreement with the City. **The Development Compliance Branch of the Planning and Development Department** has the responsibility for preparing servicing agreements.

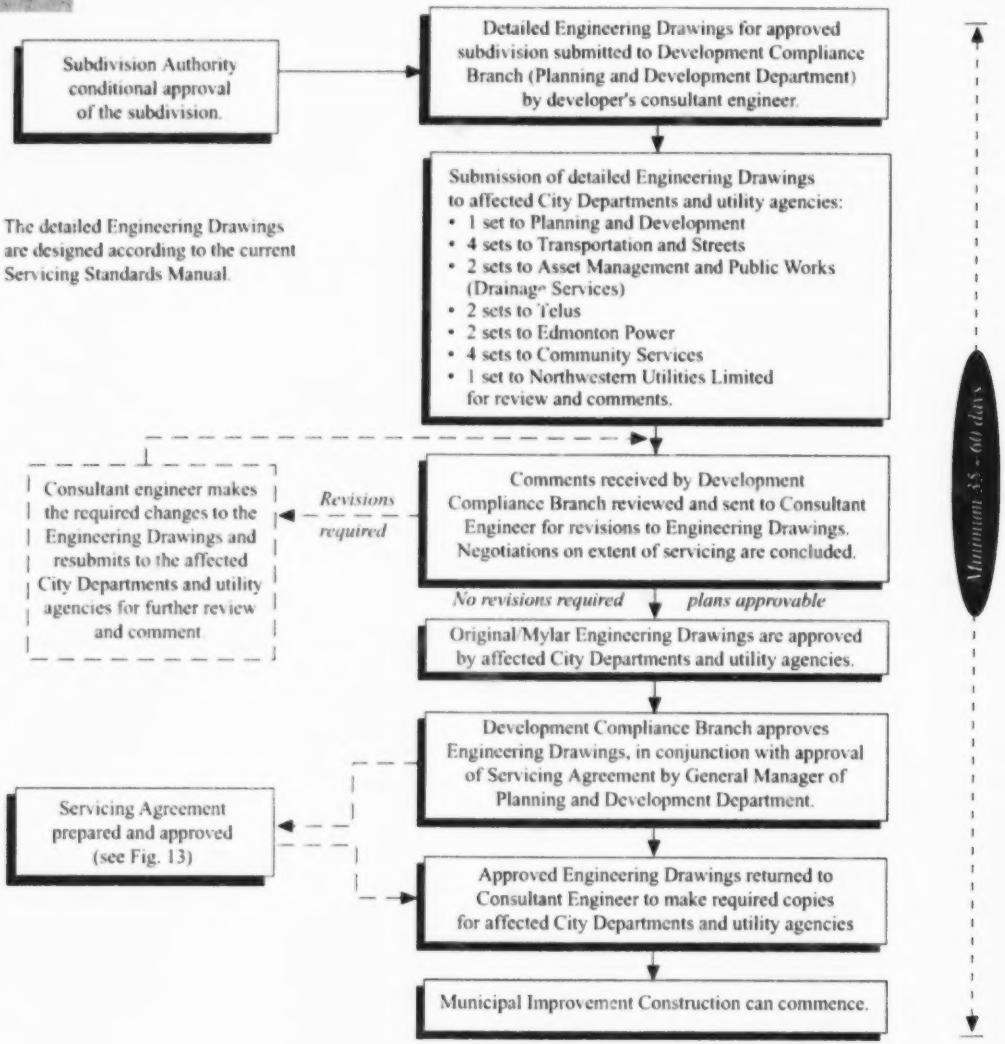
The servicing agreement requires the submission and approval of detailed engineering drawings to install the municipal improvements necessary to service a subdivision. The detailed engineering drawings must be designed in accordance with the current edition of the City Servicing Standards Manual, which is a comprehensive compilation of design guidelines, materials and methods of construction deemed acceptable by City departments.

The detailed engineering drawings must be approved by the appropriate City departments and utility agencies prior to execution of the servicing agreement. The submission, review and approval process for engineering drawings is shown on Figure 12.

The servicing agreement describes in detail the process a developer must follow to construct, subject to City inspection, the required municipal improvements and the process to receive Construction Completion Certificates and Final Acceptance Certificates after a prescribed maintenance period. The servicing agreement also embodies the required assessments for previously installed services and enables calculation of future recoveries owing to the developer. Most servicing agreements are approved by the General Manager of the Planning and Development Department.

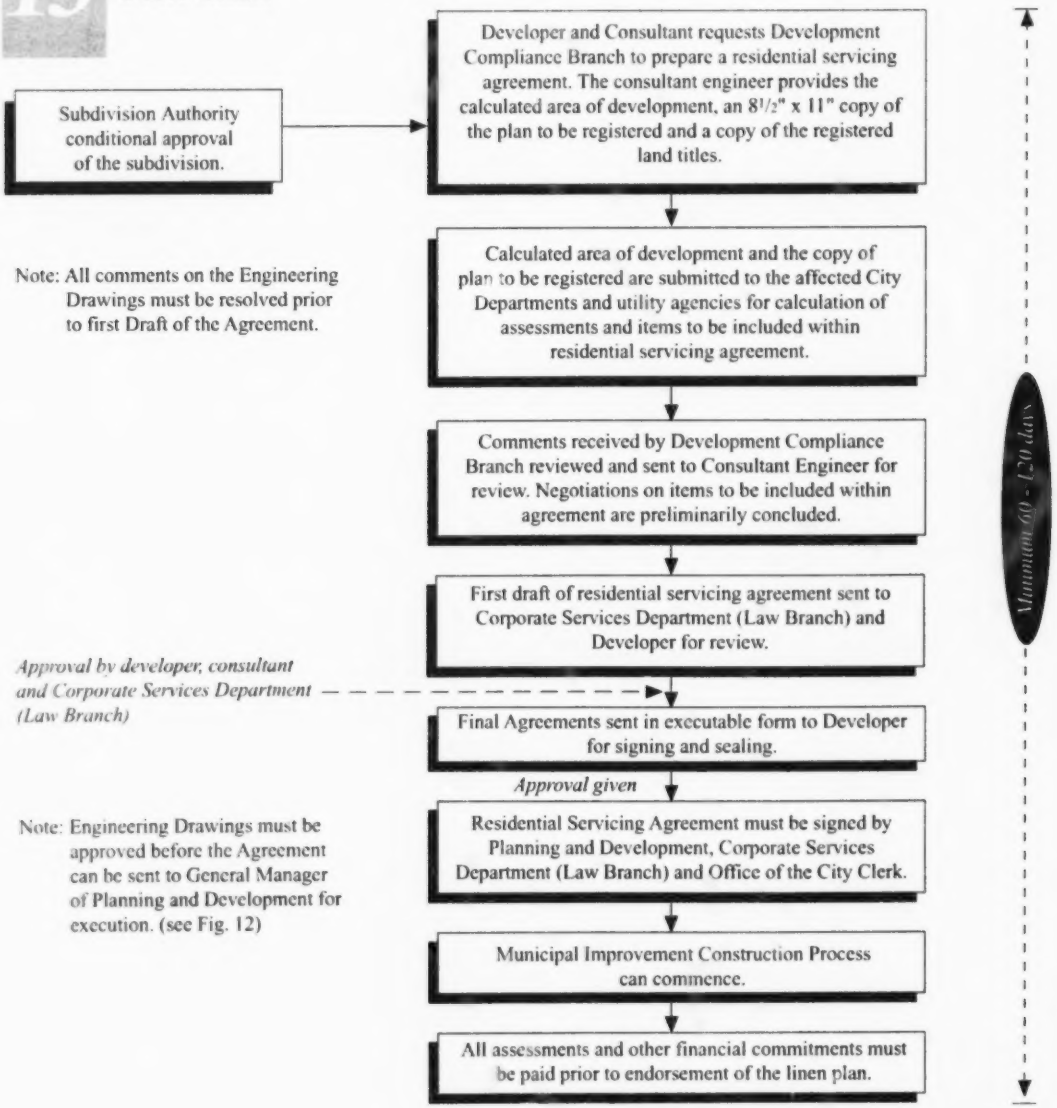
Approval of the servicing agreement and payment of all assessments and other financial commitments identified in the servicing agreement is required prior to endorsement of the subdivision linen plan by the City. The approval process for servicing agreements is shown on Figure 13.

FIGURE 12 *Engineering Drawings Approval Process – Flow Chart*


Subdivision Authority conditional approval of the subdivision.
Detailed Engineering Drawings for approved subdivision submitted to Development Compliance Branch (Planning and Development Department) by developer's consultant engineer.
Submission of detailed Engineering Drawings to affected City Departments and utility agencies:
• 1 set to Planning and Development
• 4 sets to Transportation and Streets
• 2 sets to Asset Management and Public Works (Drainage Services)
• 2 sets to Telus
• 2 sets to Edmonton Power
• 4 sets to Community Services
• 1 set to Northwestern Utilities Limited
for review and comments.
Note: The detailed Engineering Drawings are designed according to the current Servicing Standards Manual.
Comments received by Development Compliance Branch reviewed and sent to Consultant Engineer for revisions to Engineering Drawings. Negotiations on extent of servicing are concluded.
Revisions required
Consultant engineer makes the required changes to the Engineering Drawings and resubmits to the affected City Departments and utility agencies for further review and comment
No revisions required
plans approvable
Original/Mylar Engineering Drawings are approved by affected City Departments and utility agencies.
Development Compliance Branch approves Engineering Drawings, in conjunction with approval of Servicing Agreement by General Manager of Planning and Development Department.
Servicing Agreement prepared and approved (see Fig. 13)
Approved Engineering Drawings returned to Consultant Engineer to make required copies for affected City Departments and utility agencies
Municipal Improvement Construction can commence.
Maximum 35 - 60 days

THE CITY OF Edmonton PLANNING AND DEVELOPMENT

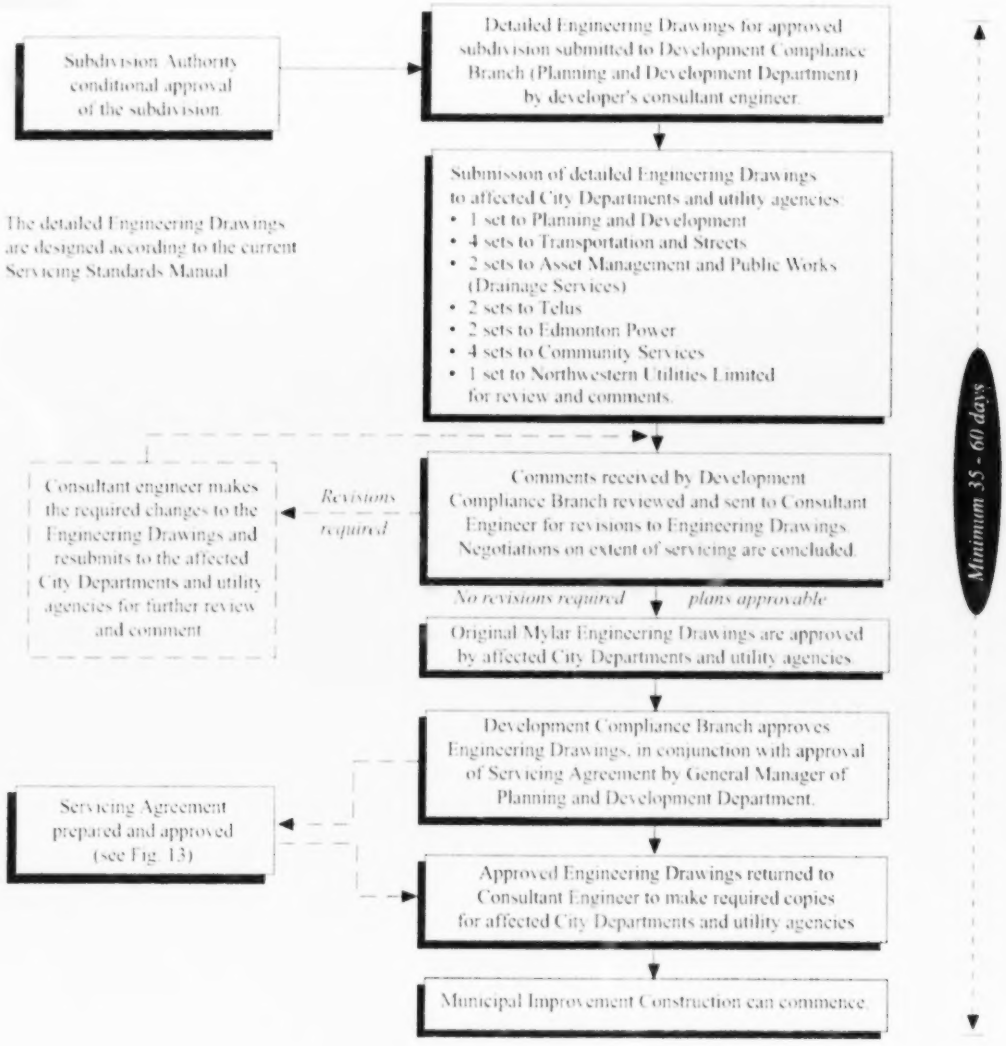
FIGURE 13 *Residential Servicing Agreement Approval Process – Flow Chart*


Subdivision Authority conditional approval of the subdivision.
Developer and Consultant requests Development Compliance Branch to prepare a residential servicing agreement. The consultant engineer provides the calculated area of development, an 8 1/2" x 11" copy of the plan to be registered and a copy of the registered land titles.
Note: All comments on the Engineering Drawings must be resolved prior to first Draft of the Agreement.
Calculated area of development and the copy of plan to be registered are submitted to the affected City Departments and utility agencies for calculation of assessments and items to be included within residential servicing agreement.
Comments received by Development Compliance Branch reviewed and sent to Consultant Engineer for review. Negotiations on items to be included within agreement are preliminarily concluded.
First draft of residential servicing agreement sent to Corporate Services Department (Law Branch) and Developer for review.
Approval by developer, consultant and Corporate Services Department (Law Branch)
Final Agreements sent in executable form to Developer for signing and sealing.
Approval given
Note: Engineering Drawings must be approved before the Agreement can be sent to General Manager of Planning and Development for execution. (see Fig. 12)
Residential Servicing Agreement must be signed by Planning and Development, Corporate Services Department (Law Branch) and Office of the City Clerk.
Municipal Improvement Construction Process can commence.
All assessments and other financial commitments must be paid prior to endorsement of the linen plan.
Minimum 60 - 120 days

THE CITY OF Edmonton PLANNING AND DEVELOPMENT

FIGURE

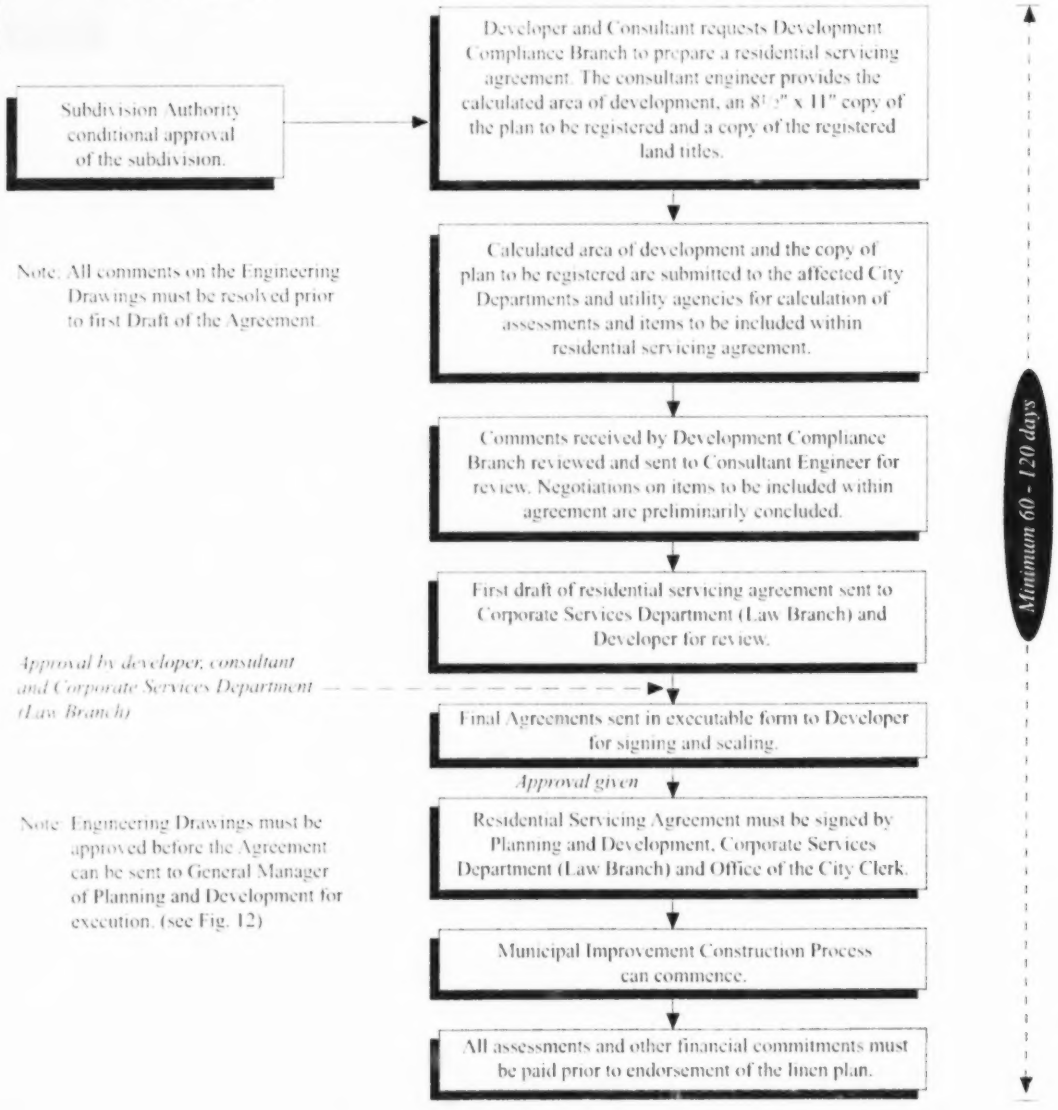
Engineering Drawings Approval Process – Flow Chart


Subdivision Authority conditional approval of the subdivision
Detailed Engineering Drawings for approved subdivision submitted to Development Compliance Branch (Planning and Development Department) by developer's consultant engineer.
Submission of detailed Engineering Drawings to affected City Departments and utility agencies:
• 1 set to Planning and Development
• 4 sets to Transportation and Streets
• 2 sets to Asset Management and Public Works (Drainage Services)
• 2 sets to Telus
• 2 sets to Edmonton Power
• 4 sets to Community Services
• 1 set to Northwestern Utilities Limited
for review and comments.
Note: The detailed Engineering Drawings are designed according to the current Servicing Standards Manual
Comments received by Development Compliance Branch reviewed and sent to Consultant Engineer for revisions to Engineering Drawings. Negotiations on extent of servicing are concluded.
Revisions required
Consultant engineer makes the required changes to the Engineering Drawings and resubmits to the affected City Departments and utility agencies for further review and comment
No revisions required
plans approvable
Original Mylar Engineering Drawings are approved by affected City Departments and utility agencies.
Development Compliance Branch approves Engineering Drawings, in conjunction with approval of Servicing Agreement by General Manager of Planning and Development Department.
Servicing Agreement prepared and approved (see Fig. 13)
Approved Engineering Drawings returned to Consultant Engineer to make required copies for affected City Departments and utility agencies
Municipal Improvement Construction can commence.
Minimum 35 - 60 days

THE CITY OF Edmonton PLANNING AND DEVELOPMENT

FIGURE

Residential Servicing Agreement Approval Process – Flow Chart


Subdivision Authority conditional approval of the subdivision.
Developer and Consultant requests Development Compliance Branch to prepare a residential servicing agreement. The consultant engineer provides the calculated area of development, an 8½" x 11" copy of the plan to be registered and a copy of the registered land titles.
Note: All comments on the Engineering Drawings must be resolved prior to first Draft of the Agreement.
Calculated area of development and the copy of plan to be registered are submitted to the affected City Departments and utility agencies for calculation of assessments and items to be included within residential servicing agreement.
Comments received by Development Compliance Branch reviewed and sent to Consultant Engineer for review. Negotiations on items to be included within agreement are preliminarily concluded.
First draft of residential servicing agreement sent to Corporate Services Department (Law Branch) and Developer for review.
Approval by developer, consultant and Corporate Services Department (Law Branch)
Final Agreements sent in executable form to Developer for signing and sealing.
Approval given
Note: Engineering Drawings must be approved before the Agreement can be sent to General Manager of Planning and Development for execution. (see Fig. 12)
Residential Servicing Agreement must be signed by Planning and Development, Corporate Services Department (Law Branch) and Office of the City Clerk.
Municipal Improvement Construction Process can commence.
All assessments and other financial commitments must be paid prior to endorsement of the linen plan.
Minimum 60 - 120 days

THE CITY OF Edmonton PLANNING AND DEVELOPMENT

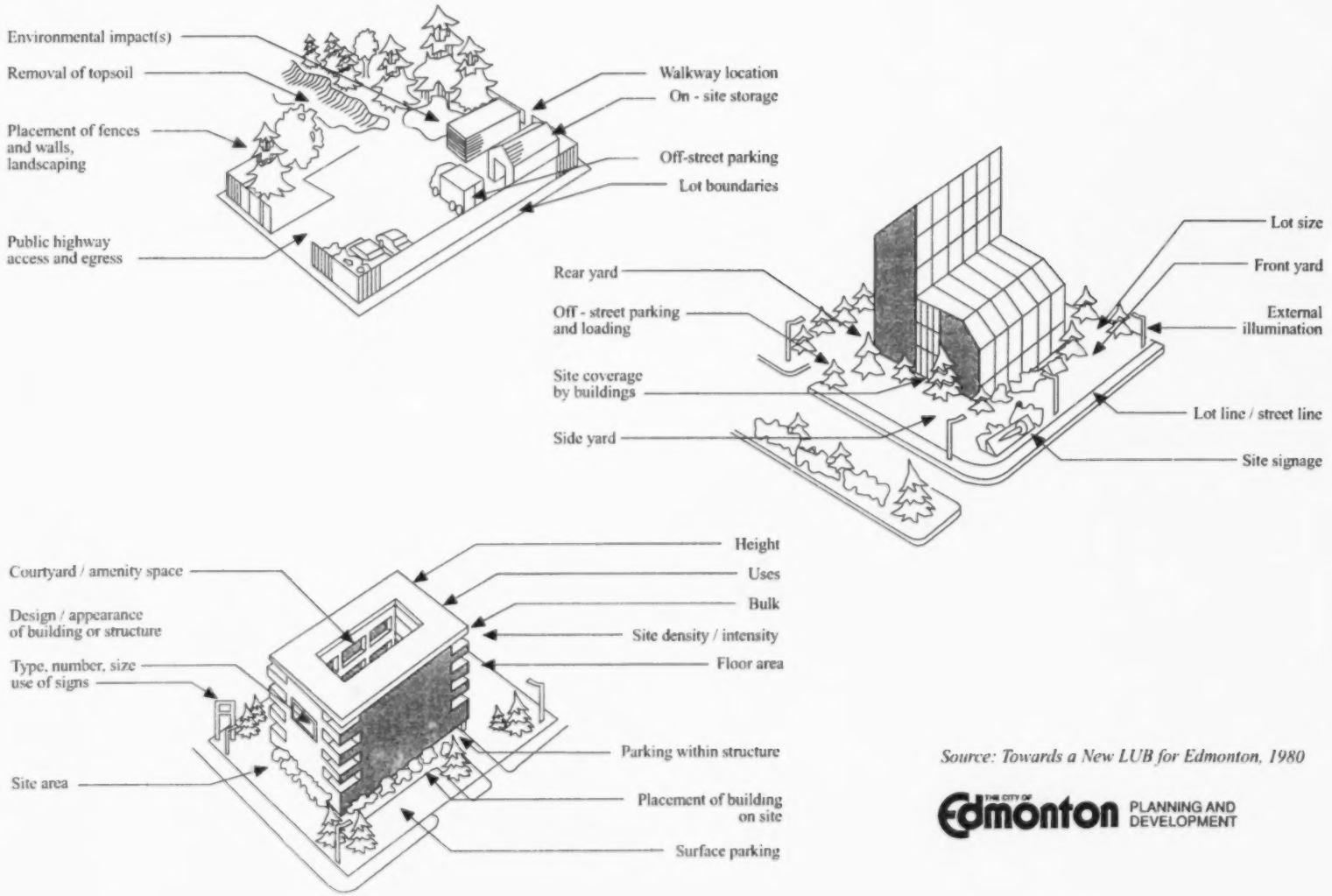
3.11 MUNICIPAL IMPROVEMENTS CONSTRUCTION PROCESS (STEP 7A)

Once the Engineering Drawings have been approved, the provision of services is undertaken, following subsequent approval of the servicing agreement and the developer meeting obligations regarding performance securities under the agreement.

This is a two-stage process involving municipal inspection to ensure the services are constructed according to City standards. Firstly, upon completion of the construction and installation of each of the municipal improvements, a Construction Completion Certificate is issued. Secondly, upon satisfactory inspection of the various improvements following a prescribed maintenance period, a Final Acceptance Certificate is issued.

This entire process is coordinated by the Development Compliance Branch. Inspections and approvals are undertaken by the relevant City departments.

FIGURE 14 *Land Use Bylaw Development Standards Applied Through the Development Permit Process*



Source: Towards a New LUB for Edmonton, 1980

The City of Edmonton PLANNING AND DEVELOPMENT

3.12 Development and Building Permits (Steps 9 and 10)

The issuance of development and building permits is the responsibility of the Development Compliance Branch of the Planning and Development Department.

During 1995, substantial changes to the way permitting is done were introduced to the Branch's operations. "One-stop shopping" was introduced to make the system more accessible to their regular customers and the general public. The Branch operates a Customer Information and Advisory Services Centre, a permitting function and an inspection service.

Customers can go into the customer information centre where staff will ensure they receive any information they need, that their application is complete and that it will be dealt with quickly. A wide range of informative brochures is available covering many topics of interest.

"Minor" permits (generally those described below as Class A) are reviewed and a decision issued the same day, usually while the customer waits. As well, combination permits are now available where a customer can pay for and receive development, building and mechanical permits at the same time for Class A applications.

Considerable time savings in reaching decisions have been achieved on all types of applications.

Customer Information Agents and Technical Advisors handle 500 to 700 calls per day providing information regarding the Land Use Bylaw, permitting and inspections.

3.12.a Development Permits

The *Municipal Government Act* requires municipalities to have a Land Use Bylaw which establishes standards and controls for development, and which empowers the City to require and issue development permits.

Before construction starts, a builder must apply to the Development Compliance Branch for a development permit. This ensures that the proposed building or structure or use of the land meets the regulations of the Land Use Bylaw for the site. The type of development standards regulated by the Land Use Bylaw through the issuance of **development permits** are illustrated in Figure 14.

Development permits are grouped into five **use classes** or classifications to reflect the impacts or intensity of the proposed development or use:

Class 0 - No Permit Required
This includes minor types of construction such as fences under a certain height or minor repairs. These projects do not require a development permit.

Class A - Minor or Permitted Use Development Permit
Applications within this class are for permitted uses which comply with all applicable regulations contained within the Land Use Bylaw. These can be granted in one day, usually "over the counter" as the customer waits. Examples include a single detached house on a site districted RF1, residential garages, decks and patios.

Class B - Permitted Use Development Permit
Applications in this class are for more complex permitted uses requiring additional time for detailed review to ensure that there is conformity to the regulations. Such applications include (for example) a convenience store on a site districted Neighbourhood Convenience Commercial (CNC) and various industrial developments. Notification of the issuance of Class B Permits is undertaken through newspaper advertisements.

Class C - Discretionary Use Development Permit
Applications in this class include proposals for discretionary uses, proposals requiring variances to various Land Use Bylaw regulations and all uses within Direct Control Districts, except those in Class D. The approval must include written notice to surrounding property owners.

Class D - Design Review Development Permit
Applications in this class include major development such as buildings over six storeys, a gross floor area of greater than 10,000 m^2, residential proposals including more than 100 units or developments likely to have major environmental impacts in sensitive areas such as the River Valley. The Development Officer prepares a detailed written report on these applications, indicating his/her consideration of the land use impacts of the proposal, its relationship to the applicable Statutory Plans, and the justification for his/her decision (see Figure 15).

The time frames established for the various classes makes allowances for public notification, and other civic departments and utility agencies to review the plans to ensure a coordination of services.

In some cases, neighbouring property owners and other citizens may be interested in a proposed development, particularly if it may have an impact on their property or neighbourhood. The Land Use Bylaw requires public notification of decisions for permits in Classes B, C and D. Notices of Development Appeal advise of the decision of the Development Officer and of the parties' right of appeal.

The procedures for notification of development permits are:

Class B

Within 10 days of issuing a Class B permit, the City places a notice in the *Edmonton Journal* describing the development proposal, the decision of the Development Officer and the right of appeal.

Class C

Within seven days of issuing a Class C permit, the Development Officer notifies by mail each assessed owner of the site being developed, each assessed owner of land within 60 metres of the boundary of the site and the president of the appropriate community league. The notice states the decision of the Development Officer and the right of appeal. Notices of these permits are also published in the *Edmonton Journal*.

Class D

The notification requirements are the same as for Class C. In addition, the Development Officer may notify land owners beyond 60 metres from the site, if it is felt that they may be affected by the development.

3.12.b. Appeals

Anyone who objects to the Development Officer either refusing an application to develop, or approving an application by another individual to develop, may appeal that decision to the **Subdivision and Development Appeal Board (SDAB).**

Generally, the majority (80%) of applicants' appeals are due to a refusal by the Development Officer, although appeals are also launched by neighbours in response to notice of approvals on nearby sites.

The appeal to the Board must be made in writing within 14 days after notice of the Development Officer's decision has been given. A fee is charged for lodging an appeal.

When registering an appeal, the appellant may document why the Development Officer's decision should be reconsidered.

Within 30 days of receiving an appeal, the Board must hold a public hearing. The SDAB secretary notifies the applicant/appellant and all property owners considered by the Board to be affected by the appeal a minimum of five days before the hearing.

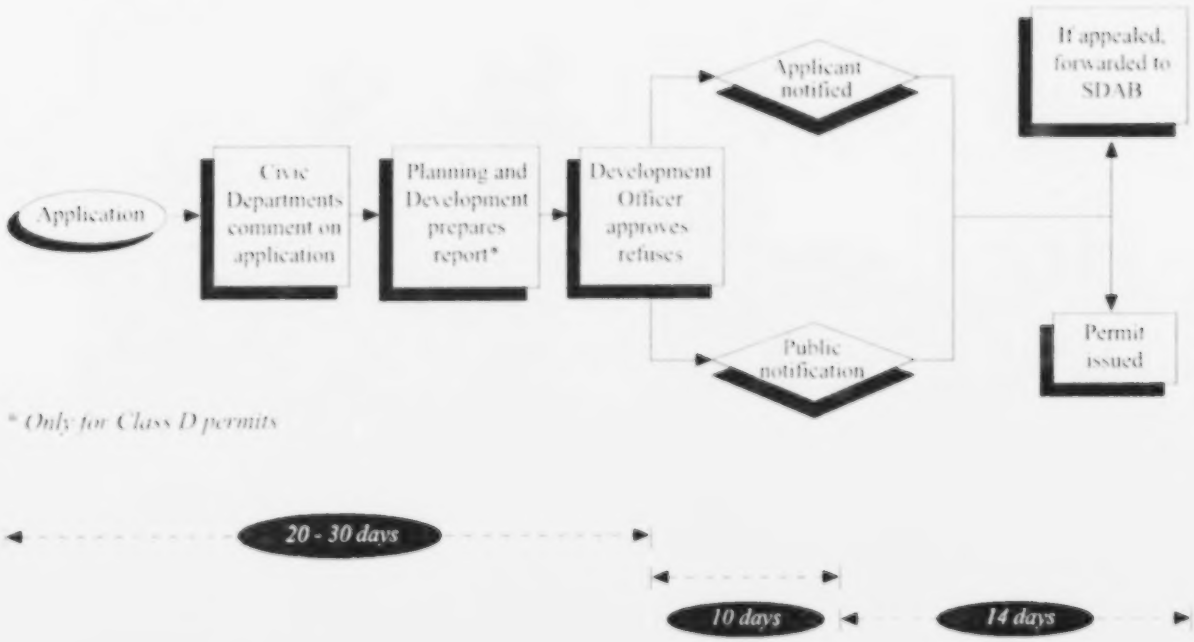
SDAB hearings are held weekly. Agendas are available at the meetings. Hearings are open to the public, but not the deliberations and discussions leading to a decision by the Board.

SDAB members are provided with background information on the application for development, the Development Officer's decision, and the appellant's reasons for the appeal. They are also provided with a recommendation from the SDAB Officer, which is prepared with the input of staff from Planning and Development and other civic departments, as to whether or not the appeal should be supported.

At the hearing, the Board operates in a quasi-judicial manner, dealing with matters on the basis of evidence presented. Anyone claiming to be affected by the appeal may speak to the Board. Anyone going before the Board may submit materials to support their position. These materials may include letters of support or opposition from adjoining property owners.

FIGURE

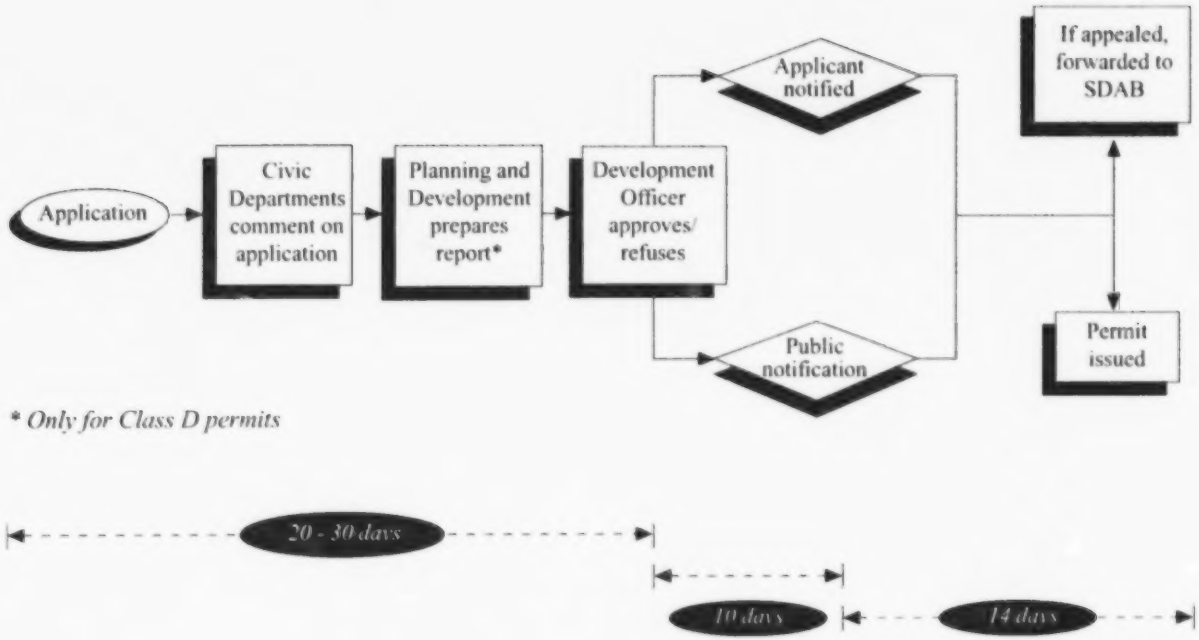
Processing Procedure for a Complex or Major Impact Development Permit Application



* *Only for Class D permits*

Edmonton PLANNING AND DEVELOPMENT

FIGURE 15 ***Processing Procedure for a Complex or Major Impact Development Permit Application***



** Only for Class D permits*

After hearing all submissions and rebuttals, the Board reaches its decision in private. All who appeared before the Board are requested to wait for the Board's decision. The decision is announced by the DAB Officer. The decision is not final until the minutes are adopted and the decision is signed, approximately two weeks later.

If the development is approved, the written statement of the Board's decision constitutes the development permit.

Decisions of the SDAB may be appealed to the Court of Appeal, but only on a point of law or jurisdiction.

The above processes are summarized as Figure 16.

3.12.c. Other Development Permit related activities

Other development permit related support activities and services provided by the Planning and Development Department include issuing **Compliance Certificates** to certify that a building has been built in accordance with City requirements.

Occupancy Certificates are issued before owners or tenants occupy a new building, or for a change of use to part or all of an existing building.

Curb crossing permits and **encroachment agreements** are also processed.

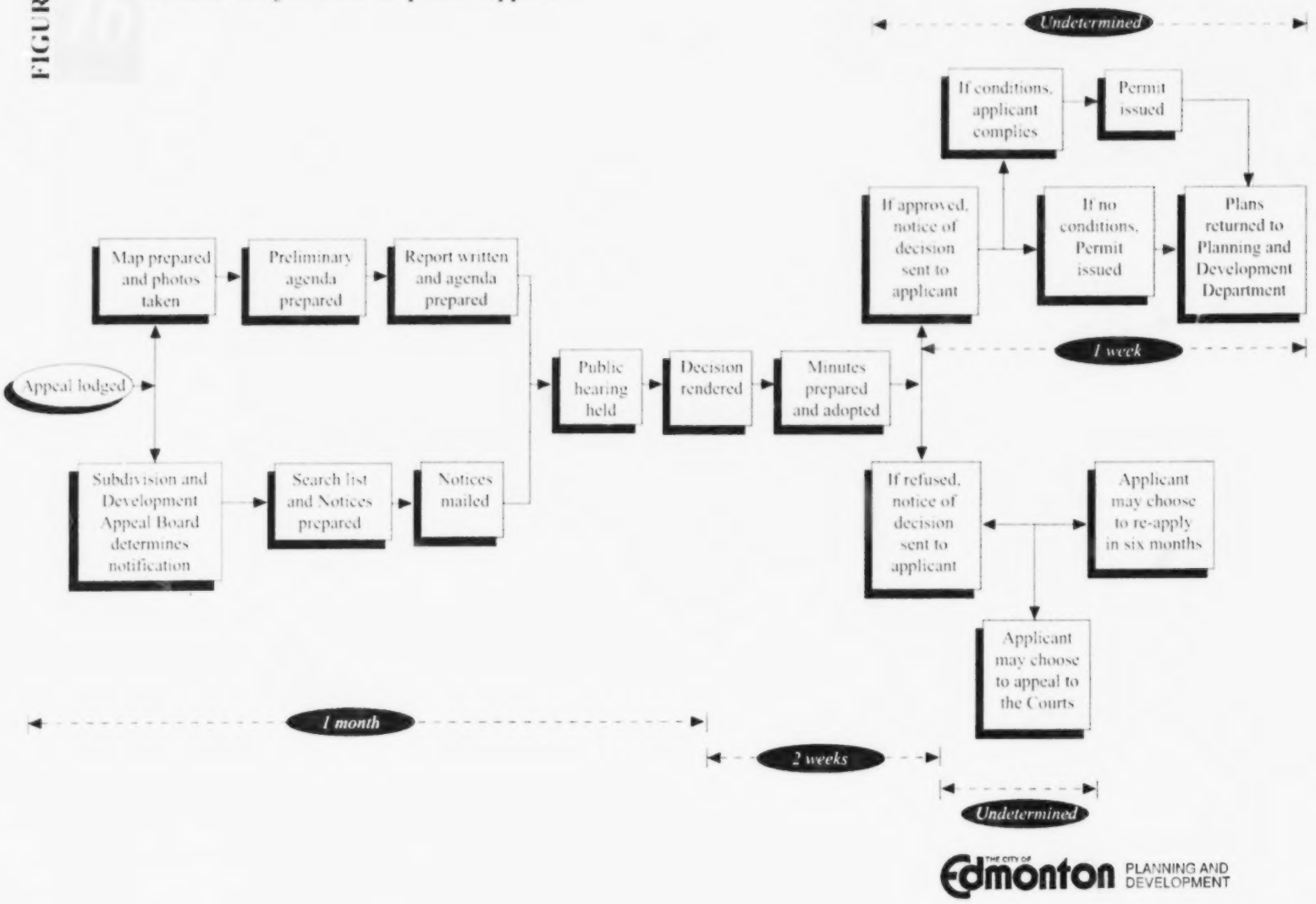
3.12.d. Building Permits (Step 10)

The City of Edmonton is empowered to issue building permits by the Minister of Labour under the *Safety Codes Act*. This act puts into law the *Alberta Building Code*, a document based on the *National Building Code*, with minor amendments to address local needs. The *Alberta Building Code* primarily specifies minimum regulations for fire safety, structural sufficiency and public health.

Property owners are responsible for obtaining a building permit before they begin constructing a building or structure. The Development Compliance Branch reviews building plans to ensure that they comply with the Alberta Building Code and pertinent bylaws. In addition to permits for building, permits are required for the installation of signs, plumbing, gas, heating and ventilation.

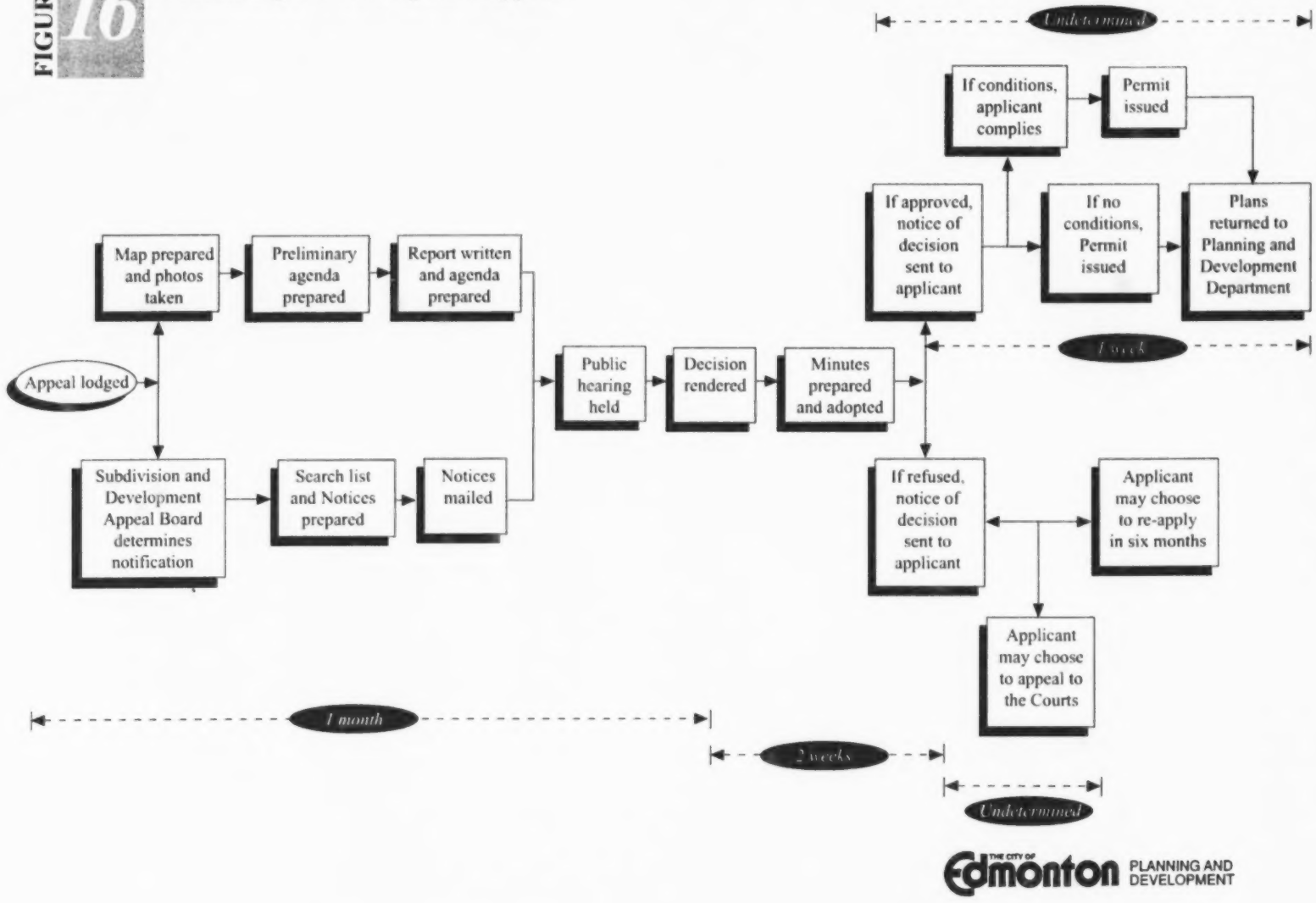
FIGURE 6

Procedures for a Development Appeal


Undetermined
If conditions, applicant complies
Permit issued
If approved, notice of decision sent to applicant
If no conditions, Permit issued
Plans returned to Planning and Development Department
Map prepared and photos taken
Preliminary agenda prepared
Report written and agenda prepared
1 week
Appeal lodged
Public hearing held
Decision rendered
Minutes prepared and adopted
Subdivision and Development Appeal Board determines notification
Search list and Notices prepared
Notices mailed
If refused, notice of decision sent to applicant
Applicant may choose to re-apply in six months
Applicant may choose to appeal to the Courts
1 month
2 weeks
Undetermined

THE CITY OF Edmonton PLANNING AND DEVELOPMENT

FIGURE 16 *Procedures for a Development Appeal*


Undetermined
If conditions, applicant complies
Permit issued
If approved, notice of decision sent to applicant
If no conditions, Permit issued
Plans returned to Planning and Development Department
1 week
Map prepared and photos taken
Preliminary agenda prepared
Report written and agenda prepared
Appeal lodged
Public hearing held
Decision rendered
Minutes prepared and adopted
Subdivision and Development Appeal Board determines notification
Search list and Notices prepared
Notices mailed
If refused, notice of decision sent to applicant
Applicant may choose to re-apply in six months
Applicant may choose to appeal to the Courts
1 month
2 weeks
Undetermined
THE CITY OF Edmonton PLANNING AND DEVELOPMENT

3.13 NAMES ADVISORY COMMITTEE

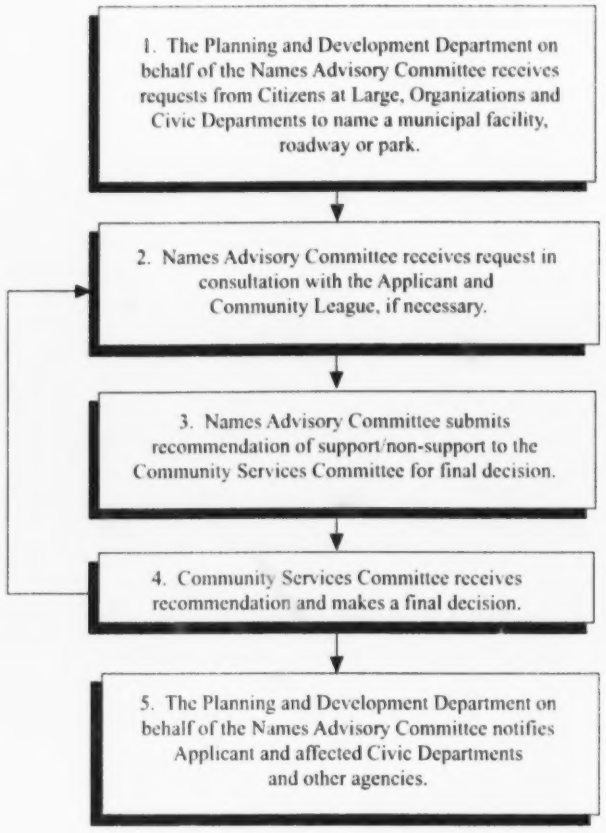
The Names Advisory Committee (NAC) is appointed by City Council to recommend names for municipal facilities, new neighbourhoods, parks and roads to the Community Services Committee of City Council. The NAC has five members including two citizens at large, one representative of the Edmonton Historical Board and one representative from each of the Edmonton Catholic and Edmonton Public School Boards.

The Planning and Policy Services Branch of the Planning and Development Department provides administrative services to the NAC in the form of:

- research on names;
- maintaining an inventory of names to be used in the future;
- receiving requests from the public for names to be honoured;
- creating and providing agendas to the Committee;
- taking minutes; and
- attending the Community Services Committee to represent the NAC's views.

The public can access the process by submitting names for consideration; making representations to the NAC or Community Services Committee; and/or, submitting their own name for participation on the NAC (see Figure 17).

FIGURE 17 *Process for Requesting a Name for a Municipal Facility, Roadway or Park*


1. The Planning and Development Department on behalf of the Names Advisory Committee receives requests from Citizens at Large, Organizations and Civic Departments to name a municipal facility, roadway or park.
2. Names Advisory Committee receives request in consultation with the Applicant and Community League, if necessary.
3. Names Advisory Committee submits recommendation of support/non-support to the Community Services Committee for final decision.
4. Community Services Committee receives recommendation and makes a final decision.
5. The Planning and Development Department on behalf of the Names Advisory Committee notifies Applicant and affected Civic Departments and other agencies.

3.14 HERITAGE CONSERVATION

Heritage conservation is the identification, documentation, conservation, management, promotion, protection and celebration of significant historic resources in a manner, which tells the story of a place, its people and their activities. Heritage conservation is a sustainable activity that provides a connection to the past for present and future generations while enriching the built and natural environments.

By recognizing the need for heritage conservation, the Planning and Development Department established the Historic Resource Management Program, which outlines the priorities for conserving and managing historic resources in the City. Accordingly, there are five priority areas of heritage conservation management:

- to maintain *The Register of Historic Resources in Edmonton*;
- to meet the requirements of the *Historical Resources Act*, City policies and bylaws related to the designation and conservation of historic resources as well as the review of development proposals;
- to continue to develop policy options to encourage the conservation and designation of historic resources;
- to increase public awareness of Edmonton's historic resources; and,
- to provide advice and assistance to groups and individuals interested in the conservation of Edmonton's historic resources.

The priorities are part of the larger context in which heritage conservation is expected to fit. The support required for heritage conservation from heritage organizations, City departments, Provincial Legislation, City Council and the general public is essential in order for the priorities to be effective. Statutory requirements provided in the *Act* authorize the City to implement its heritage conservation objectives.

In response to the authority granted by the Province under the *Act*, City Council approved *A Policy to Encourage the Designation and Rehabilitation of Historic Resources in Edmonton* in 1988. The Policy provides a framework to negotiate and provide incentives to encourage the designation and where required, the rehabilitation of an historic resource.

City Council also adopted *The Register of Historic Resources in Edmonton* in 1993 which consisted of approximately 437 architecturally and historically significant resources, compiled following an extensive City-wide inventory which took place in 1992.

Figure 18 outlines the process that is followed for Development Permit Applications involving an historic resource.

Properties on *The Register* are not necessarily "protected" but rather they have been identified as having architectural and historical significance, and may be eligible for legal protection known most commonly as designation. The *Act* provides City Council with the authority to designate, by bylaw, an historic resource as a Municipal Historic Resource. An incentive to encourage the designation and rehabilitation of an historic resource may be made with the consent of the owner, by direct grant, tax incentive or by any other means.

The *Act* also provides City Council with the authority to designate a resource that it believes to be in the interests of the general public. Figure 19 outlines the process that is required to designate an historic resource where the owner wishes to have the resource designated. Figure 20 outlines the process required to designate an historic resource where the owner does not wish to have the resource designated. If the latter occurs, the City may be required to pay compensation to the owner if it can be proven that the designation itself actually caused a decrease in the economic value of the property. Generally, an owner voluntarily requests designation as the benefits of Municipal Historic Resource Designation often outweigh the challenges.

FIGURE 18 ***Development Permit Process for Historic Resources***

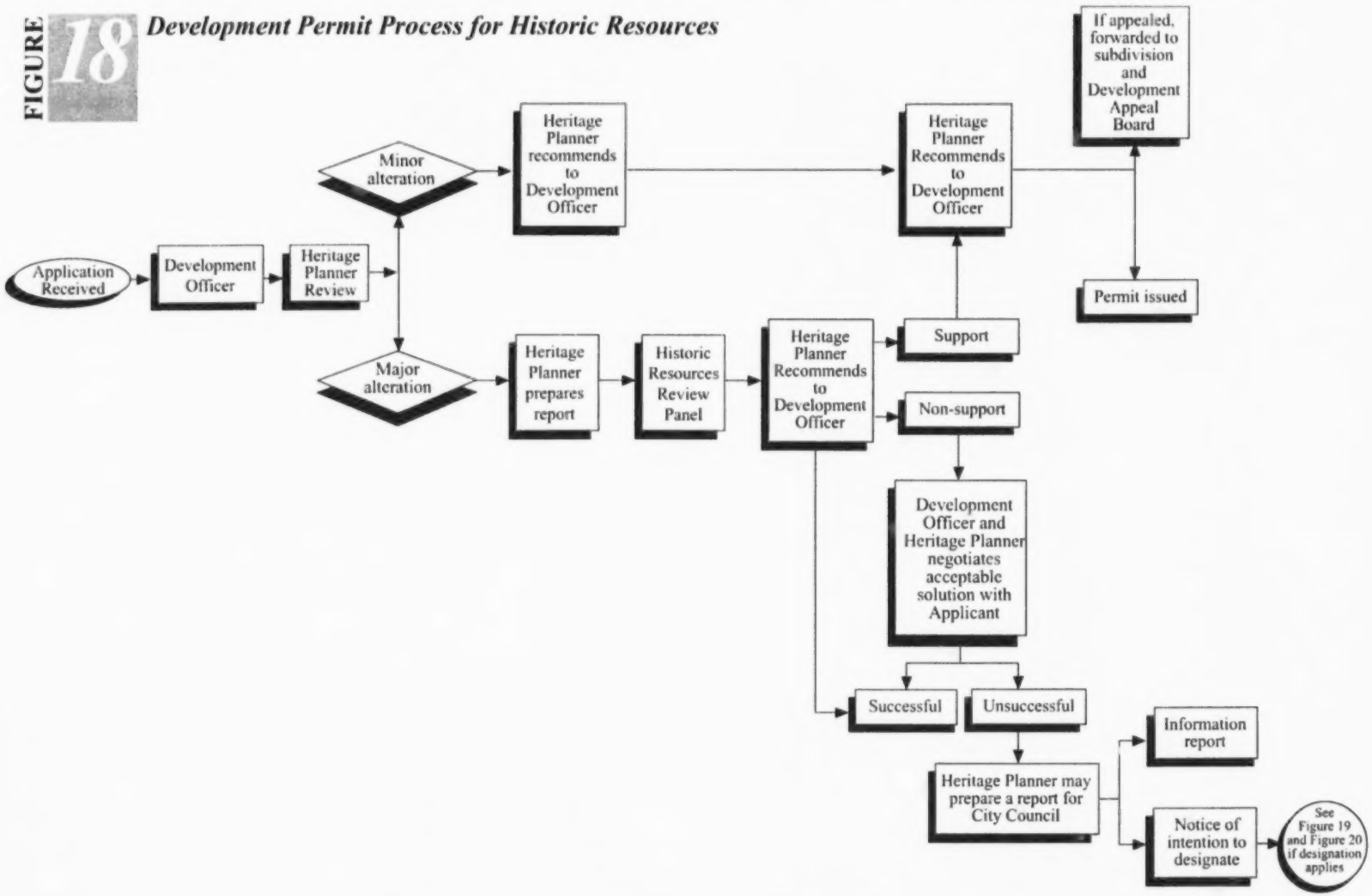
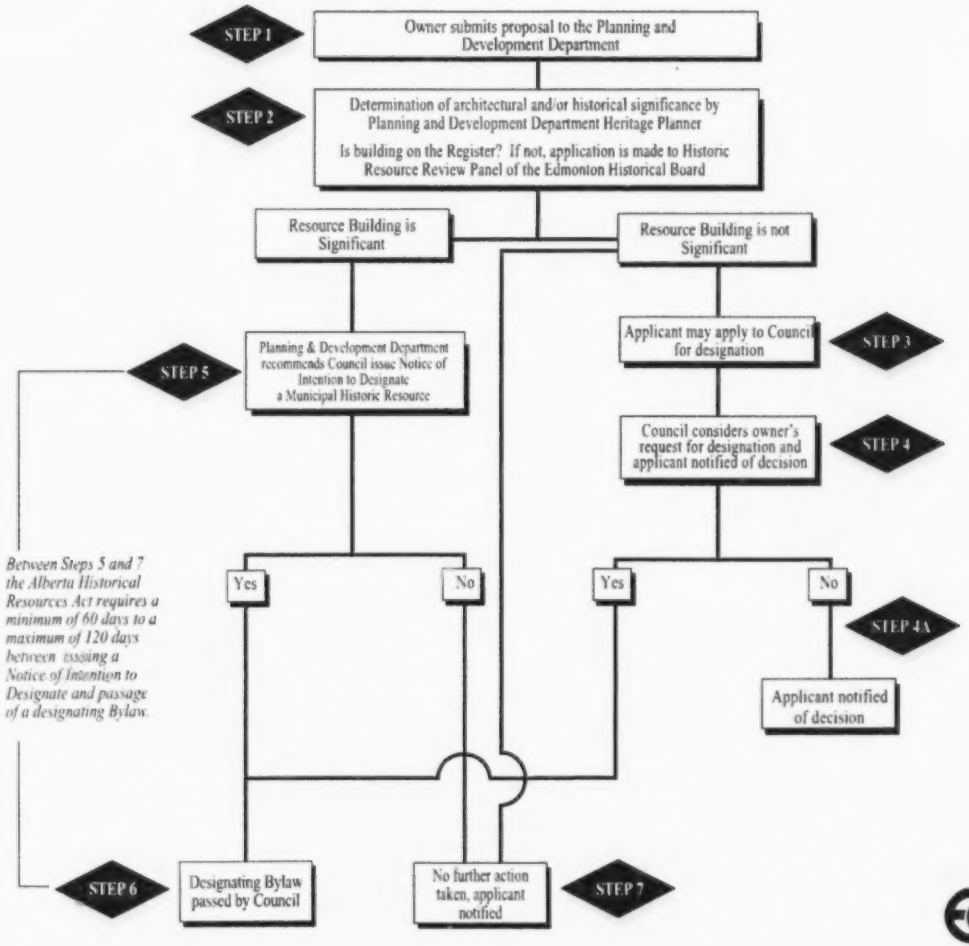

Application Received
Development Officer
Heritage Planner Review
Minor alteration
Major alteration
Heritage Planner recommends to Development Officer
Heritage Planner prepares report
Historic Resources Review Panel
Heritage Planner Recommends to Development Officer
Support
Non-support
Heritage Planner Recommends to Development Officer
If appealed, forwarded to subdivision and Development Appeal Board
Permit issued
Development Officer and Heritage Planner negotiates acceptable solution with Applicant
Successful
Unsuccessful
Heritage Planner may prepare a report for City Council
Information report
Notice of intention to designate
See Figure 19 and Figure 20 if designation applies
THE CITY OF Edmonton PLANNING AND DEVELOPMENT

FIGURE 19 *Process to designate an Historic Resource pursuant to the Historical Resources Act and City Policy C-450, WHERE OWNER WISHES TO HAVE RESOURCE DESIGNATED*

N.B. This chart is a convenient summary of a variety of Municipal Policies and Bylaws and Provincial Acts which must be adhered to in the designating process. The process may be amended from time to time. All original Policies, Bylaws and Acts should be consulted for the purpose of interpreting and applying the law.


STEP 1
Owner submits proposal to the Planning and Development Department
STEP 2
Determination of architectural and/or historical significance by Planning and Development Department Heritage Planner
Is building on the Register? If not, application is made to Historic Resource Review Panel of the Edmonton Historical Board
Resource Building is Significant
Resource Building is not Significant
Applicant may apply to Council for designation
STEP 3
Council considers owner's request for designation and applicant notified of decision
STEP 4
STEP 4A
Applicant notified of decision
STEP 5
Planning & Development Department recommends Council issue Notice of Intention to Designate a Municipal Historic Resource
Between Steps 5 and 7 the Alberta Historical Resources Act requires a minimum of 60 days to a maximum of 120 days between issuing a Notice of Intention to Designate and passage of a designating Bylaw.
Yes
No
Yes
No
STEP 6
Designating Bylaw passed by Council
No further action taken, applicant notified
STEP 7

THE CITY OF Edmonton PLANNING AND DEVELOPMENT

FIGURE

Process to designate an Historic Resource pursuant to the Historical Resources Act and City Policy C-450, WHERE OWNER WISHES TO HAVE RESOURCE DESIGNATED

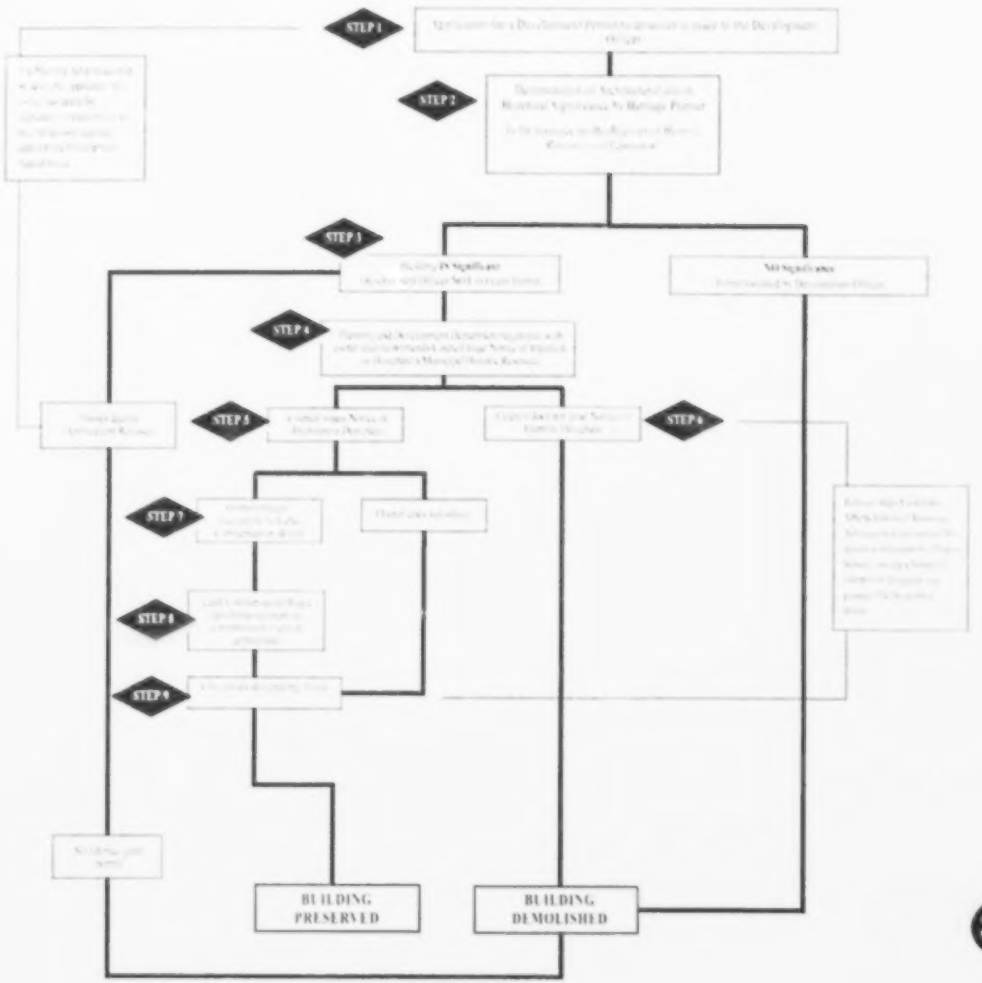
STEP 1
Owner submits proposal to the Planning and Development Department
STEP 2
Determination of architectural and or historical significance by Planning and Development Department Heritage Planner
Is building on the Register? If not, application is made to Historic Resource Review Panel of the Edmonton Historical Board
Resource Building is Significant
Resource Building is not Significant
STEP 5
Planning & Development Department recommends Council issue Notice of Intention to Designate a Municipal Historic Resource
STEP 3
Applicant may apply to Council for designation
STEP 4
Council considers owner's request for designation and applicant notified of decision
Between Steps 5 and 7 the Alberta Historical Resources Act requires a minimum of 90 days to a maximum of 120 days between issuing a Notice of Intention to Designate and passage of a designating Bylaw
Yes
No
Yes
No
STEP 4A
Applicant notified of decision
STEP 6
Designating Bylaw passed by Council
No further action taken, applicant notified
STEP 7

N.B. This chart is a convenient summary of a variety of Municipal Policies and Bylaws and Provincial Acts which must be adhered to in the designating process. The process may be amended from time to time. All original Policies, Bylaws and Acts should be consulted for the purpose of interpreting and applying the law.

THE CITY OF Edmonton PLANNING AND DEVELOPMENT

FIGURE

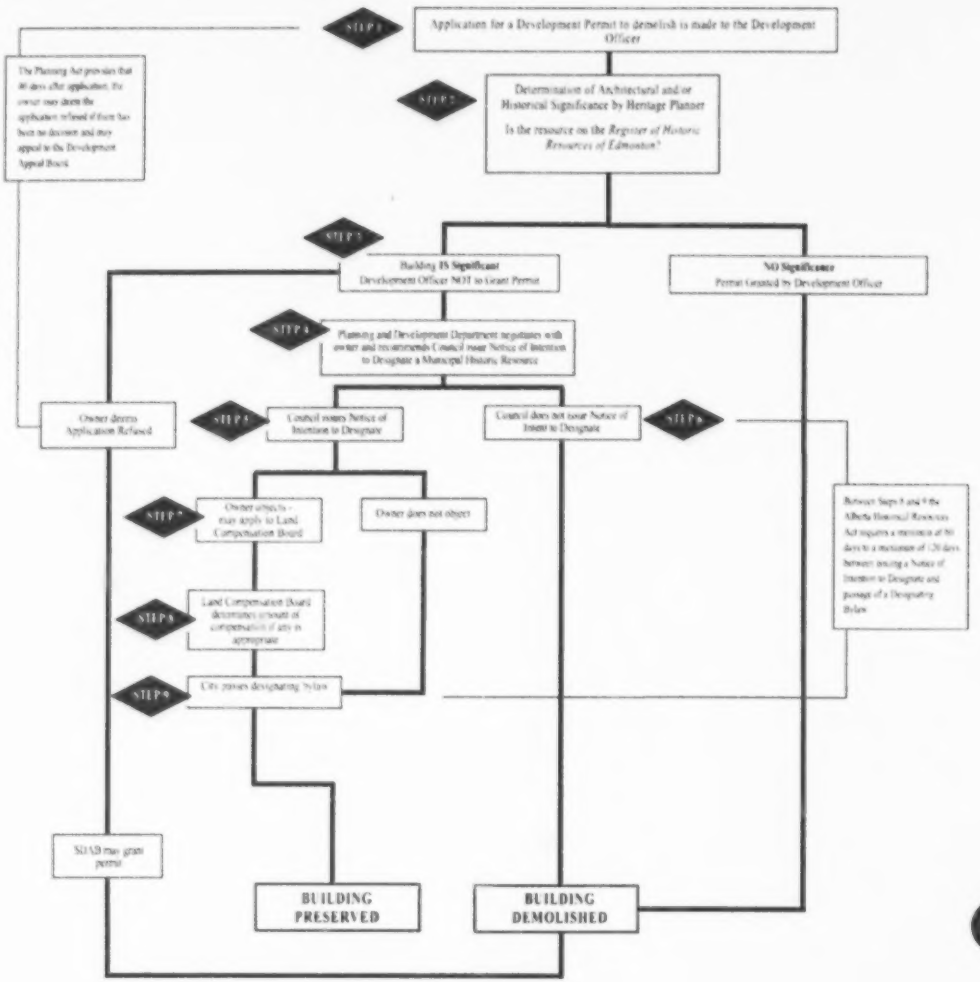
Process to designate a Municipal Historic Resource according to the Historical Resources Act and City Policy C-450, WHERE OWNER DOES NOT WISH TO HAVE RESOURCE DESIGNATED



N.B. This chart is a convenient summary of a variety of Municipal Policies and Bylaws, and Provincial Acts which must be adhered to in the designating process. The process may be amended from time to time. All original Policies, Bylaws and Acts should be consulted for the purpose of interpreting and applying the law.

THE CITY OF Edmonton PLANNING AND DEVELOPMENT

FIGURE 20 *Process to designate a Municipal Historic Resource according to the Historical Resources Act and City Policy C-450, WHERE OWNER DOES NOT WISH TO HAVE RESOURCE DESIGNATED*


STEP 1
Application for a Development Permit to demolish is made to the Development Officer
The Planning Act provides that 40 days after application, the owner may deem the application refused if there has been no decision and may appeal to the Development Appeal Board.
STEP 2
Determination of Architectural and/or Historical Significance by Heritage Planner
Is the resource on the Register of Historic Resources of Edmonton?
STEP 3
Building IS Significant
Development Officer MAY to Grant Permit
NO Significance
Permit Granted by Development Officer
STEP 4
Planning and Development Department negotiates with owner and recommends Council issue Notice of Intention to Designate a Municipal Historic Resource
Owner deems Application Refused
STEP 5
Council issues Notice of Intention to Designate
Council does not issue Notice of Intent to Designate
STEP 6
Between Steps 5 and 9 the Alberta Historical Resources Act requires a minimum of 90 days to a maximum of 120 days between issuing a Notice of Intention to Designate and passage of a Designating Bylaw.
STEP 7
Owner objects - may apply to Land Compensation Board
Owner does not object
STEP 8
Land Compensation Board determines amount of compensation if any is appropriate
STEP 9
City passes designating bylaw
SDAB may grant permit
BUILDING PRESERVED
BUILDING DEMOLISHED

N.B. This chart is a convenient summary of a variety of Municipal Policies and Bylaws, and Provincial Acts which must be adhered to in the designating process. The process may be amended from time to time. All original Policies, Bylaws and Acts should be consulted for the purpose of interpreting and applying the law.

THE CITY OF Edmonton PLANNING AND DEVELOPMENT

4 Appendices

Appendix I

Planning and Development Department Contact Persons

Area Structure Plans, Servicing Concept Design Briefs, Neighbourhood Area Structure Plans, Neighbourhood Structure Plans, Area Redevelopment Plans, Redistricting and Subdivisions

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APPENDIX II

INFORMATION SOURCES/BIBLIOGRAPHY

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